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## ACADEMIC FREEDOM AND TENURE

The American Association of University Professors was definitely organized at a largely attended meeting in New York City in January, 1915. It was decided at that time to take up the general problem of academic freedom, and the President of the Association was authorized to appoint a committee of fifteen which should include, so far as they were eligible, members of an existing committee of nine, representing the American Economic Association, the American Political Science Association and the Sociological Society, under the chairmanship of Professor Edwin R. A. Seligman of Columbia University.

The committee of fifteen had scarcely been constituted when a number of cases of alleged infringement of academic freedom were brought to its attention, eleven cases being laid before the chairman during the year. Special sub-committees undertook the investigation of cases in the Universities of Utah, Colorado, Montana, Pennsylvania, and Wesleyan University. Three other cases were referred to the appropriate specialist societies. The general report of the committee of fifteen is reprinted in the following pages (pp. 4-21).

Later pages contain such extracts from committee reports and presidential addresses as may bring the attitude and policy of the Association up to date, together with a list of investigations. A statement of general procedure will be found in the 1921 report (pages 39-41). Quotations from several university presidents and from a recent report of the Commission of the Association of American Colleges have also been included as representative of other points of view.

## GENERAL REPORT OF THE COMMITTEE ON ACADEMIC FREEDOM AND ACADEMIC TENURE<sup>1</sup>

### I. GENERAL DECLARATION OF PRINCIPLES

The term "academic freedom" has traditionally had two applications—to the freedom of the teacher and to that of the student, *Lehrfreiheit* and *Lernfreiheit*. It need scarcely be pointed out that the freedom which is the subject of this report is that of the teacher. Academic freedom in this sense comprises three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extra-mural utterance and action. The first of these is almost everywhere so safeguarded that the dangers of its infringement are slight. It may therefore be disregarded in this report. The second and third phases of academic freedom are closely related, and are often not distinguished. The third, however, has an importance of its own, since of late it has perhaps more frequently been the occasion of difficulties and controversies than has the question of freedom of intra-academic teaching. All five of the cases which have recently been investigated by committees of this Association have involved, at least as one factor, the right of university teachers to express their opinions freely outside the university or to engage in political activities in their capacity as citizens. The general principles which have to do with freedom of teaching in both these senses seem to the committee to be in great part, though not wholly, the same. In this report, therefore, we shall consider the matter primarily with reference to freedom of teaching within the university, and shall assume that what is said thereon is also applicable to the freedom of speech of university teachers outside their institutions, subject to certain qualifications and supplementary considerations which will be pointed out in the course of the report.

An adequate discussion of academic freedom must necessarily consider three matters: (1) the scope and basis of the power exercised by those bodies having ultimate legal authority in academic

<sup>1</sup> Presented at the Annual Meeting of the Association, December 31, 1915. Reprinted from the *Bulletin*, December, 1915.

affairs; (2) the nature of the academic calling; (3) the function of the academic institution or university.

### *1. Basis of Academic Authority*

American institutions of learning are usually controlled by boards of trustees as the ultimate repositories of power. Upon them finally it devolves to determine the measure of academic freedom which is to be realized in the several institutions. It therefore becomes necessary to inquire into the nature of the trust reposed in these boards, and to ascertain to whom the trustees are to be considered accountable.

The simplest case is that of a proprietary school or college designed for the propagation of specific doctrines prescribed by those who have furnished its endowment. It is evident that in such cases the trustees are bound by the deed of gift, and, whatever be their own views, are obligated to carry out the terms of the trust. If a church or religious denomination establishes a college to be governed by a board of trustees, with the express understanding that the college will be used as an instrument of propaganda in the interests of the religious faith professed by the church or denomination creating it, the trustees have a right to demand that everything be subordinated to that end. If, again, as has happened in this country, a wealthy manufacturer establishes a special school in a university in order to teach, among other things, the advantages of a protective tariff, or if, as is also the case, an institution has been endowed for the purpose of propagating the doctrines of socialism, the situation is analogous. All of these are essentially proprietary institutions, in the moral sense. They do not, at least as regards one particular subject, accept the principles of freedom of inquiry, of opinion, and of teaching; and their purpose is not to advance knowledge by the unrestricted research and unfettered discussion of impartial investigators, but rather to subsidize the promotion of the opinions held by the persons, usually not of the scholar's calling, who provide the funds for their maintenance. Concerning the desirability of the existence of such institutions, the committee does not desire to express any opinion. But it is manifestly important that they should not be permitted to sail under false colors. Genuine boldness and thoroughness of inquiry, and freedom of speech, are scarcely reconcilable with the

prescribed inculcation of a particular opinion upon a controverted question.

Such institutions are rare, however, and are becoming ever more rare. We still have, indeed, colleges under denominational auspices; but very few of them impose upon their trustees responsibility for the spread of specific doctrines. They are more and more coming to occupy, with respect to the freedom enjoyed by the members of their teaching bodies, the position of untrammeled institution of learning, and are differentiated only by the natural influence of their respective historic antecedents and traditions.

Leaving aside, then, the small number of institutions of the proprietary type, what is the nature of the trust reposed in the governing boards of the ordinary institutions of learning? Can colleges and universities that are not strictly bound by their founders to a propagandist duty ever be included in the class of institutions that we have just described as being in a moral sense proprietary? The answer is clear. If the former class of institutions constitute a private or proprietary trust, the latter constitute a public trust. The trustees are trustees for the public. In the case of our state universities this is self-evident. In the case of most of our privately endowed institutions, the situation is really not different. They cannot be permitted to assume the proprietary attitude and privilege, if they are appealing to the general public for support. Trustees of such universities or colleges have no moral right to bind the reason or the conscience of any professor. All claim to such right is waived by the appeal to the general public for contributions and for moral support in the maintenance, not of a propaganda, but of a non-partisan institution of learning. It follows that any university which lays restrictions upon the intellectual freedom of its professors proclaims itself a proprietary institution, and should be so described whenever it makes a general appeal for funds; and the public should be advised that the institution has no claim whatever to general support or regard.

This elementary distinction between a private and a public trust is not yet so universally accepted as it should be in our American institutions. While in many universities and colleges the situation has come to be entirely satisfactory, there are others in which the relation of trustees to professors is apparently still conceived to be

analogous to that of a private employer to his employees; in which, therefore, trustees are not regarded as debarred by any moral restrictions, beyond their own sense of expediency, from imposing their personal opinions upon the teaching of the institution, or even from employing the power of dismissal to gratify their private antipathies or resentments. An eminent university president thus described the situation not many years since:

In the institutions of higher education the board of trustees is the body on whose discretion, good feeling, and experience the securing of academic freedom now depends. There are boards which leave nothing to be desired in these respects; but there are also numerous bodies that have everything to learn with regard to academic freedom. These barbarous boards exercise an arbitrary power of dismissal. They exclude from the teachings of the university unpopular or dangerous subjects. In some states they even treat professors' positions as common political spoils; and all too frequently, both in state and endowed institutions, they fail to treat the members of the teaching staff with that high consideration to which their functions entitle them.<sup>1</sup>

It is, then, a prerequisite to a realization of the proper measure of academic freedom in American institutions of learning, that all boards of trustees should understand—as many already do—the full implications of the distinction between private proprietorship and a public trust.

## 2. *The Nature of the Academic Calling*

The above-mentioned conception of a university as an ordinary business venture, and of academic teaching as a purely private employment, manifests also a radical failure to apprehend the nature of the social function discharged by the professional scholar. While we should be reluctant to believe that any large number of educated persons suffer from such a misapprehension, it seems desirable at this time to restate clearly the chief reasons, lying in the nature of the university teaching profession, why it is to the public interest that the professorial office should be one both of dignity and of independence.

If education is the corner stone of the structure of society and if

<sup>1</sup> From "Academic Freedom," an address delivered before the New York Chapter of the Phi Beta Kappa Society at Cornell University, May 29, 1907, by Charles William Eliot, LL.D., President of Harvard University.

progress in scientific knowledge is essential to civilization, few things can be more important than to enhance the dignity of the scholar's profession, with a view to attracting into its ranks men of the highest ability, of sound learning, and of strong and independent character. This is the more essential because the pecuniary emoluments of the profession are not, and doubtless never will be, equal to those open to the more successful members of other professions. It is not, in our opinion, desirable that men should be drawn into this profession by the magnitude of the economic rewards which it offers; but it is for this reason the more needful that men of high gifts and character should be drawn into it by the assurance of an honorable and secure position, and of freedom to perform honestly and according to their own consciences the distinctive and important function which the nature of the profession lays upon them.

That function is to deal at first hand, after prolonged and specialized technical training, with the sources of knowledge; and to impart the results of their own and of their fellow-specialists' investigation and reflection, both to students and to the general public, without fear or favor. The proper discharge of this function requires (among other things) that the university teacher shall be exempt from any pecuniary motive or inducement to hold, or to express, any conclusion which is not the genuine and uncolored product of his own study or that of fellow-specialists. Indeed, the proper fulfilment of the work of the professorate requires that our universities shall be so free that no fair-minded person shall find any excuse for even a suspicion that the utterances of university teachers are shaped or restricted by the judgment, not of professional scholars, but of inexpert and possibly not wholly disinterested persons outside of their ranks. The lay public is under no compulsion to accept or to act upon the opinions of the scientific experts whom, through the universities, it employs. But it is highly needful, in the interest of society at large, that what purport to be the conclusions of men trained for, and dedicated to, the quest for truth, shall in fact be the conclusions of such men, and not echoes of the opinions of the lay public, or of the individuals who endow or manage universities. To the degree that professional scholars, in the formation and promulgation of their opinions, are, or by the character of their tenure appear to be, subject to any motive other than their own scientific conscience and a desire for the respect of their fellow-experts, to that degree the university

teaching profession is corrupted; its proper influence upon public opinion is diminished and vitiated; and society at large fails to get from its scholars, in an unadulterated form, the peculiar and necessary service which it is the office of the professional scholar to furnish.

These considerations make still more clear the nature of the relationship between university trustees and members of university faculties. The latter are the appointees, but not in any proper sense the employees, of the former. For, once appointed, the scholar has professional functions to perform in which the appointing authorities have neither competency nor moral right to intervene. The responsibility of the university teacher is primarily to the public itself, and to the judgment of his own profession; and while, with respect to certain external conditions of his vocation, he accepts a responsibility to the authorities of the institution in which he serves, in the essentials of his professional activity his duty is to the wider public to which the institution itself is morally amenable. So far as the university teacher's independence of thought and utterance is concerned—though not in other regards—the relationship of professor to trustees may be compared to that between judges of the Federal courts and the Executive who appoints them. University teachers should be understood to be, with respect to the conclusions reached and expressed by them, no more subject to the control of the trustees, than are judges subject to the control of the President, with respect to their decisions; while of course, for the same reason, trustees are no more to be held responsible for, or to be presumed to agree with, the opinions or utterances of professors, than the President can be assumed to approve of all the legal reasonings of the courts. A university is a great and indispensable organ of the higher life of a civilized community, in the work of which the trustees hold an essential and highly honorable place, but in which the faculties hold an independent place, with quite equal responsibilities—and in relation to purely scientific and educational questions, the primary responsibility. Misconception or obscurity in this matter has undoubtedly been a source of occasional difficulty in the past, and even in several instances during the current year, however much, in the main, a long tradition of kindly and courteous intercourse between trustees and members of university faculties has kept the question in the background.

*3. The Function of the Academic Institution*

The importance of academic freedom is most clearly perceived in the light of the purposes for which universities exist. These are three in number:

- A. To promote inquiry and advance the sum of human knowledge.
- B. To provide general instruction to the students.
- C. To develop experts for various branches of the public service.

Let us consider each of these. In the earlier stages of a nation's intellectual development, the chief concern of educational institutions is to train the growing generation and to diffuse the already accepted knowledge. It is only slowly that there comes to be provided in the highest institutions of learning the opportunity for the gradual wresting from nature of her intimate secrets. The modern university is becoming more and more the home of scientific research. There are three fields of human inquiry in which the race is only at the beginning: natural science, social science, and philosophy and religion, dealing with the relations of man to outer nature, to his fellow-men, and to the ultimate realities and values. In natural science all that we have learned but serves to make us realize more deeply how much more remains to be discovered. In social science in its largest sense, which is concerned with the relations of men in society and with the conditions of social order and well-being, we have learned only an adumbration of the laws which govern these vastly complex phenomena. Finally, in the spiritual life, and in the interpretation of the general meaning and ends of human existence and its relation to the universe, we are still far from a comprehension of the final truths, and from a universal agreement among all sincere and earnest men. In all of these domains of knowledge, the first condition of progress is complete and unlimited freedom to pursue inquiry and publish its results. Such freedom is the breath in the nostrils of all scientific activity.

The second function—which for a long time was the only function of the American college or university is to provide instruction for students. It is scarcely open to question that freedom of utterance is as important to the teacher as it is to the investigator. No man can be a successful teacher unless he enjoys the respect of his students, and their confidence in his intellectual integrity. It is clear, however, that this confidence will be impaired if there is suspicion on the part

of the student that the teacher is not expressing himself fully or frankly, or that college and university teachers in general are a repressed and intimidated class who dare not speak with that candor and courage which youth always demands in those whom it is to esteem. The average student is a discerning observer, who soon takes the measure of his instructor. It is not only the character of the instruction but also the character of the instructor that counts; and if the student has reason to believe that the instructor is not true to himself, the virtue of the instruction as an educative force is incalculably diminished. There must be in the mind of the teacher no mental reservation. He must give the student the best of what he has and what he is.

The third function of the modern university is to develop experts for the use of the community. If there is one thing that distinguishes the more recent developments of democracy, it is the recognition by legislators of the inherent complexities of economic, social, and political life, and the difficulty of solving problems of technical adjustment without technical knowledge. The recognition of this fact has led to a continually greater demand for the aid of experts in these subjects, to advise both legislators and administrators. The training of such experts has, accordingly, in recent years, become an important part of the work of the universities; and in almost every one of our higher institutions of learning the professors of the economic, social, and political sciences have been drafted to an increasing extent into more or less unofficial participation in the public service. It is obvious that here again the scholar must be absolutely free not only to pursue his investigations but to declare the results of his researches, no matter where they may lead him or to what extent they may come into conflict with accepted opinion. To be of use to the legislator or the administrator, he must enjoy their complete confidence in the disinterestedness of his conclusions.

It is clear, then, that the university cannot perform its threefold function without accepting and enforcing to the fullest extent the principle of academic freedom. The responsibility of the university as a whole is to the community at large, and any restriction upon the freedom of the instructor is bound to react injuriously upon the efficiency and the *morale* of the institution, and therefore ultimately upon the interests of the community.

The attempted infringements of academic freedom at present are

probably not only of less frequency than, but of a different character from, those to be found in former times. In the early period of university development in America the chief menace to academic freedom was ecclesiastical, and the disciplines chiefly affected were philosophy and the natural sciences. In more recent times the danger zone has been shifted to the political and social sciences—though we still have sporadic examples of the former class of cases in some of our smaller institutions. But it is precisely in these provinces of knowledge in which academic freedom is now most likely to be threatened, that the need for it is at the same time most evident. No person of intelligence believes that all of our political problems have been solved, or that the final stage of social evolution has been reached. Grave issues in the adjustment of men's social and economic relations are certain to call for settlement in the years that are to come; and for the right settlement of them mankind will need all the wisdom, all the good will, all the soberness of mind, and all the knowledge drawn from experience, that it can command. Towards this settlement the university has potentially its own very great contribution to make; for if the adjustment reached is to be a wise one, it must take due account of economic science, and be guided by that breadth of historic vision which it should be one of the functions of a university to cultivate. But if the universities are to render any such service towards the right solution of the social problems of the future, it is the first essential that the scholars who carry on the work of universities shall not be in a position of dependence upon the favor of any social class or group, that the disinterestedness and impartiality of their inquiries and their conclusions shall be, so far as is humanly possible, beyond the reach of suspicion.

The special dangers to freedom of teaching in the domain of the social sciences are evidently two. The one which is the more likely to affect the privately endowed colleges and universities is the danger of restrictions upon the expression of opinions which point towards extensive social innovations, or call in question the moral legitimacy or social expediency of economic conditions or commercial practices in which large vested interests are involved. In the political, social, and economic field almost every question, no matter how large and general it at first appears, is more or less affected with private or class interests; and, as the governing body of a university is naturally made up of men who through their standing and ability are personally

interested in great private enterprises, the points of possible conflict are numberless. When to this is added the consideration that benefactors, as well as most of the parents who send their children to privately endowed institutions, themselves belong to the more prosperous and therefore usually to the more conservative classes, it is apparent that, so long as effectual safeguards for academic freedom are not established, there is a real danger that pressure from vested interests may, sometimes deliberately and sometimes unconsciously, sometimes openly and sometimes subtly and in obscure ways, be brought to bear upon academic authorities.

On the other hand, in our state universities the danger may be the reverse. Where the university is dependent for funds upon legislative favor, it has sometimes happened that the conduct of the institution has been affected by political considerations; and where there is a definite governmental policy or a strong public feeling on economic, social, or political questions, the menace to academic freedom may consist in the repression of opinions that in the particular political situation are deemed ultra-conservative rather than ultra-radical. The essential point, however, is not so much that the opinion is of one or another shade, as that it differs from the views entertained by the authorities. The question resolves itself into one of departure from accepted standards; whether the departure is in the one direction or the other is immaterial.

This brings us to the most serious difficulty of this problem; namely, the dangers connected with the existence in a democracy of an overwhelming and concentrated public opinion. The tendency of modern democracy is for men to think alike, to feel alike, and to speak alike. Any departure from the conventional standards is apt to be regarded with suspicion. Public opinion is at once the chief safeguard of a democracy, and the chief menace to the real liberty of the individual. It almost seems as if the danger of despotism cannot be wholly averted under any form of government. In a political autocracy there is no effective public opinion, and all are subject to the tyranny of the ruler; in a democracy there is political freedom, but there is likely to be a tyranny of public opinion.

An inviolable refuge from such tyranny should be found in the university. It should be an intellectual experiment station, where new ideas may germinate and where their fruit, though still dis-

tasteful to the community as a whole, may be allowed to ripen until finally, perchance, it may become a part of the accepted intellectual food of the nation or of the world. Not less is it a distinctive duty of the university to be the conservator of all genuine elements of value in the past thought and life of mankind which are not in the fashion of the moment. Though it need not be the "home of beaten causes," the university is, indeed, likely always to exercise a certain form of conservative influence. For by its nature it is committed to the principle that knowledge should precede action, to the caution (by no means synonymous with intellectual timidity) which is an essential part of the scientific method, to a sense of the complexity of social problems, to the practice of taking long views into the future, and to a reasonable regard for the teachings of experience. One of its most characteristic functions in a democratic society is to help make public opinion more self-critical and more circumspect, to check the more hasty and unconsidered impulses of popular feeling, to train the democracy to the habit of looking before and after. It is precisely this function of the university which is most injured by any restriction upon academic freedom; and it is precisely those who most value this aspect of the university's work who should most earnestly protest against any such restriction. For the public may respect, and be influenced by, the counsels of prudence and of moderation which are given by men of science, if it believes those counsels to be the disinterested expression of the scientific temper and of unbiased inquiry. It is little likely to respect or heed them if it has reason to believe that they are the expression of the interests, or the timidities, of the limited portion of the community which is in a position to endow institutions of learning, or is most likely to be represented upon their boards of trustees. And a plausible reason for this belief is given the public so long as our universities are not organized in such a way as to make impossible any exercise of pressure upon professorial opinions and utterances by governing boards of laymen.

Since there are no rights without corresponding duties, the considerations heretofore set down with respect to the freedom of the academic teacher entail certain correlative obligations. The claim to freedom of teaching is made in the interest of the integrity and of the progress of scientific inquiry; it is, therefore, only those who carry on their work in the temper of the scientific inquirer who may justly

assert this claim. The liberty of the scholar within the university to set forth his conclusions, be they what they may, is conditioned by their being conclusions gained by a scholar's method and held in a scholar's spirit; that is to say, they must be the fruits of competent and patient and sincere inquiry, and they should be set forth with dignity, courtesy, and temperateness of language. The university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit for his position, be a person of a fair and judicial mind; he should, in dealing with such subjects, set forth justly, without suppression or innuendo, the divergent opinions of other investigators; he should cause his students to become familiar with the best published expressions of the great historic types of doctrine upon the questions at issue; and he should, above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently.

It is, however, for reasons which have already been made evident, inadmissible that the power of determining when departures from the requirements of the scientific spirit and method have occurred, should be vested in bodies not composed of members of the academic profession. Such bodies necessarily lack full competency to judge of those requirements; their intervention can never be exempt from the suspicion that it is dictated by other motives than zeal for the integrity of science; and it is, in any case, unsuitable to the dignity of a great profession that the initial responsibility for the maintenance of its professional standards should not be in the hands of its own members. It follows that university teachers must be prepared to assume this responsibility for themselves. They have hitherto seldom had the opportunity, or perhaps the disposition, to do so. The obligation will doubtless, therefore, seem to many an unwelcome and burdensome one; and for its proper discharge members of the profession will perhaps need to acquire, in a greater measure than they at present possess it, the capacity for impersonal judgment in such cases, and for judicial severity when the occasion requires it. But the responsibility cannot, in this committee's opinion, be rightfully evaded. If this profession should prove itself unwilling to purge its ranks of the incompetent and the unworthy, or to prevent the

freedom which it claims in the name of science from being used as a shelter for inefficiency, for superficiality, or for uncritical and intemperate partisanship, it is certain that the task will be performed by others—by others who lack certain essential qualifications for performing it, and whose action is sure to breed suspicions and recurrent controversies deeply injurious to the internal order and the public standing of universities. Your committee has, therefore, in the appended "Practical Proposals" attempted to suggest means by which judicial action by representatives of the profession, with respect to the matters here referred to, may be secured.

There is one case in which the academic teacher is under an obligation to observe certain special restraints—namely, the instruction of immature students. In many of our American colleges, and especially in the first two years of the course, the student's character is not yet fully formed; his mind is still relatively immature. In these circumstances it may reasonably be expected that the instructor will present scientific truth with discretion, that he will introduce the student to new conceptions gradually, with some consideration for the student's preconceptions and traditions, and with due regard to character-building. The teacher ought also to be especially on his guard against taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own. It is not the least service which a college or university may render to those under its instruction, to habituate them to looking not only patiently but methodically on both sides, before adopting any conclusion upon controverted issues. By these suggestions, however, it need scarcely be said that the committee does not intend to imply that it is not the duty of an academic instructor to give to any students old enough to be in college a genuine intellectual awakening and to arouse in them a keen desire to reach personally verified conclusions upon all questions of general concernment to mankind, or of special significance for their own time. There is much truth in some remarks recently made in this connection by a college president:

Certain professors have been refused reëlection lately, apparently because they set their students to thinking in ways objec-

tionable to the trustees. It would be well if more teachers were dismissed because they fail to stimulate thinking of any kind. We can afford to forgive a college professor what we regard as the occasional error of his doctrine, especially as we may be wrong, provided he is a contagious center of intellectual enthusiasm. It is better for students to think about heresies than not to think at all; better for them to climb new trails, and stumble over error if need be, than to ride forever in upholstered ease in the overcrowded highway. It is a primary duty of a teacher to make a student take an honest account of his stock of ideas, throw out the dead matter, place revised price marks on what is left, and try to fill his empty shelves with new goods.<sup>1</sup>

It is, however, possible and necessary that such intellectual awakening be brought about with patience, considerateness and pedagogical wisdom.

There is one further consideration with regard to the class-room utterances of college and university teachers to which the committee thinks it important to call the attention of members of the profession, and of administrative authorities. Such utterances ought always to be considered privileged communications. Discussions in the class room ought not to be supposed to be utterances for the public at large. They are often designed to provoke opposition or arouse debate. It has, unfortunately, sometimes happened in this country that sensational newspapers have quoted and garbled such remarks. As a matter of common law, it is clear that the utterances of an academic instructor are privileged, and may not be published, in whole or part, without his authorization. But our practice, unfortunately, still differs from that of foreign countries, and no effective check has in this country been put upon such unauthorized and often misleading publication. It is much to be desired that test cases should be made of any infractions of the rule.<sup>2</sup>

In their extra-mural utterances, it is obvious that academic teachers are under a peculiar obligation to avoid hasty or unverified or exaggerated statements, and to refrain from intemperate or sensational modes of expression. But subject to these restraints, it is

<sup>1</sup> President William T. Foster in *The Nation*, November 11, 1915.

<sup>2</sup> The leading case is *Abernethy vs. Hutchinson*, 3 L. J., Ch. 209. In this case where damages were awarded the court held as follows. "That persons who are admitted as pupils or otherwise to hear these lectures, although they are orally delivered and the parties might go to the extent, if they were able to do so, of putting down the whole by means of shorthand, yet they can do that only for the purpose of their own information and could not publish, for profit, that which they had not obtained the right of selling."

not, in this committee's opinion, desirable that scholars should be debarred from giving expression to their judgments upon controversial questions, or that their freedom of speech, outside the university, should be limited to questions falling within their own specialties. It is clearly not proper that they should be prohibited from lending their active support to organized movements which they believe to be in the public interest. And, speaking broadly, it may be said in the words of a non-academic body already once quoted in a publication of this Association, that "it is neither possible nor desirable to deprive a college professor of the political rights vouchsafed to every citizen."<sup>1</sup>

It is, however, a question deserving of consideration by members of this Association, and by university officials, how far academic teachers, at least those dealing with political, economic, and social subjects, should be prominent in the management of our great party organizations, or should be candidates for state or national offices of a distinctly political character. It is manifestly desirable that such teachers have minds untrammeled by party loyalties, unexcited by party enthusiasms, and unbiased by personal political ambitions; and that universities should remain uninvolved in party antagonisms. On the other hand, it is equally manifest that the material available for the service of the State would be restricted in a highly undesirable way, if it were understood that no member of the academic profession should ever be called upon to assume the responsibilities of public office. This question may, in the committee's opinion, suitably be made a topic for special discussion at some future meeting of this Association, in order that a practical policy, which shall do justice to the two partially conflicting considerations that bear upon the matter, may be agreed upon.

It is, it will be seen, in no sense the contention of this committee that academic freedom implies that individual teachers should be exempt from all restraints as to the matter or manner of their utterances, either within or without the university. Such restraints as are necessary should in the main, your committee holds, be self-imposed, or enforced by the public opinion of the profession. But there may, undoubtedly, arise occasional cases in which the aberrations of individuals may require to be checked by definite

<sup>1</sup> Report of the Wisconsin State Board of Public Affairs, December, 1914.

disciplinary action. What this report chiefly maintains is that such action cannot with safety be taken by bodies not composed of members of the academic profession. Lay governing boards are competent to judge concerning charges of habitual neglect of assigned duties, on the part of individual teachers, and concerning charges of grave moral delinquency. But in matters of opinion, and of the utterance of opinion, such boards can not intervene without destroying, to the extent of their intervention, the essential nature of a university—without converting it from a place dedicated to openness of mind, in which the conclusion expressed are the tested conclusions of trained scholars, into a place barred against the access of new light, and precommitted to the opinions or prejudices of men who have not been set apart or expressly trained for the scholar's duties. It is, in short, not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of teaching, of the academic profession, that is asserted by this declaration of principles. It is conceivable that our profession may prove unworthy of its high calling, and unfit to exercise the responsibilities that belong to it. But it will scarcely be said as yet to have given evidence of such unfitness. And the existence of this Association, as it seems to your committee, must be construed as a pledge, not only that the profession will earnestly guard those liberties without which it can not rightly render its distinctive and indispensable service to society, but also that it will with equal earnestness seek to maintain such standards of professional character, and of scientific integrity and competency, as shall make it a fit instrument for that service.

## II. PRACTICAL PROPOSALS

As the foregoing declaration implies, the ends to be accomplished are chiefly three:

*First:* To safeguard freedom of inquiry and of teaching against both covert and overt attacks, by providing suitable judicial bodies, composed of members of the academic profession, which may be called into action before university teachers are dismissed or disciplined, and may determine in what cases the question of academic freedom is actually involved.

*Second:* By the same means, to protect college executives and governing boards against unjust charges of infringement of academic

freedom, or of arbitrary and dictatorial conduct—charges which, when they gain wide currency and belief, are highly detrimental to the good repute and the influence of universities.

*Third:* To render the profession more attractive to men of high ability and strong personality by insuring the dignity, the independence, and the reasonable security of tenure, of the professorial office.

The measures which it is believed to be necessary for our universities to adopt to realize these ends—measures which have already been adopted in part by some institutions—are four:

A. *Action by Faculty Committees on Reappointments.* Official action relating to reappointments and refusals of reappointment should be taken only with the advice and consent of some board or committee representative of the faculty. Your committee does not desire to make at this time any suggestion as to the manner of selection of such boards.

B. *Definition of Tenure of Office.* In every institution there should be an unequivocal understanding as to the term of each appointment; and the tenure of professorships and associate professorships, and of all positions above the grade of instructor after ten years of service, should be permanent (subject to the provisions hereinafter given for removal upon charges). In those state universities which are legally incapable of making contracts for more than a limited period, the governing boards should announce their policy with respect to the presumption of reappointment in the several classes of position, and such announcements, though not legally enforceable, should be regarded as morally binding. No university teacher of any rank should, except in cases of grave moral delinquency, receive notice of dismissal or of refusal of reappointment, later than three months before the close of any academic year, and in the case of teachers above the grade of instructor, one year's notice should be given.

C. *Formulation of Grounds for Dismissal.* In every institution the grounds which will be regarded as justifying the dismissal of members of the faculty should be formulated with reasonable definiteness; and in the case of institutions which impose upon their faculties doctrinal standards of a sectarian or partisan character, these standards should be clearly defined and the body or individual having authority to interpret them, in case of controversy, should be designated. Your committee does not think it best at this time to attempt

to enumerate the legitimate grounds for dismissal, believing it to be preferable that individual institutions should take the initiative in this.

D. *Judicial Hearings before Dismissal.* Every university or college teacher should be entitled, before dismissal<sup>1</sup> or demotion, to have the charges against him stated in writing in specific terms and to have a fair trial on those charges before a special or permanent judicial committee chosen by the faculty senate or council, or by the faculty at large. At such trial the teacher accused should have full opportunity to present evidence, and if the charge is one of professional incompetency, a formal report upon his work should be first made in writing by the teachers of his own department and of cognate departments in the university, and, if the teacher concerned so desire, by a committee of his fellow-specialists from other institutions, appointed by some competent authority.

The above declaration of principles and practical proposals are respectfully submitted by your committee to the approval of the Association, with the suggestion that, if approved, they be recommended to the consideration of the faculties, administrative officers, and governing boards of the American universities and colleges.

EDWIN R. A. SELIGMAN, Chairman, Columbia University; CHARLES E. BENNETT, Cornell University; JAMES Q. DEALY, Brown University; RICHARD T. ELY, University of Wisconsin; HENRY W. FARNAM, Yale University; FRANK A. FETTER, Princeton University; FRANKLIN H. GIDDINGS, Columbia University; CHARLES A. KOFOID, University of California; ARTHUR O. LOVEJOY, Johns Hopkins University; FREDERICK W. PADELFORD, University of Washington; ROSCOE POUND, Harvard University; HOWARD C. WARREN, Princeton University; ULYSSES G. WEATHERLY, University of Indiana.

<sup>1</sup> This does not refer to refusals of reappointment at the expiration of the terms of office of teachers below the rank of associate professor. All such questions of reappointment should, as above provided, be acted upon by a faculty committee.

## **EXTRACTS FROM COMMITTEE REPORTS AND OFFICIAL ADDRESSES**

**PRESIDENT JOHN DEWEY, 1915.**— Some have expressed to me fear lest attention to individual grievances might crowd out attention to those general and constructive matters which are the Association's reason for existence. Let me say for the reassurance of any such that none of the officers of the Association, least of all those who have been overwhelmed by the duties incident to these investigations, regard this year's work as typical or even as wholly normal. The general report of the committee of fifteen was, indeed, definitely contemplated in the plan of the year's work. The investigations of particular cases were literally thrust upon us. To have failed to meet the demands would have been cowardly; it would have tended to destroy all confidence in the Association as anything more than a talking body. The question primarily involved was not whether the Council should authorize the investigation of this or that case, but whether the Association was to have legs and arms and be a working body. In short, as conditions shaped themselves for us, I personally feel that the work done on particular cases this year turned out to be of the most constructive sort which could have been undertaken. While a succession of incidents like those at Utah, Montana, Colorado and Pennsylvania was wholly unexpected (and, let it be hoped, never to be repeated), it may well be doubted whether any cut-and-dried, predetermined plan of "constructive" work would have been equally effective in shaking a multitude of things together and making an Association on paper into a working unity with a mind and movement of its own. Incidentally, the detailed information secured was of great assistance to the general committee in shaping its report on principles and its program of policy; while the improvements in rules as to appointment and dismissal since made in three of the institutions where inquiries have taken place are of themselves evidence of constructive work. I do not say that the existence and work of the society has been the sole or chief agency in effecting these improvements, but I will say that in my judgment it has had a sufficiently definite share in them to justify, apart from any other considerations, the first year's existence of this Association.

*Bulletin, December, 1915.*

PRESIDENT J. H. WIGMORE, 1916.—Academic freedom and tenure is a world-old theme. All through the ages runs the problem of freedom of speech. Socrates was executed for frankness of speech; he was, as he himself said, "that gadfly which God has given the State, always fastening on you, arousing and persuading and reproaching you." Those who are offended by public utterance seek to suppress those whom the spirit moves to utterance. The several interests involved give rise to distinct forms of the problem,—the freedom of one citizen to defame another, the freedom of military and civic officers to discuss the public business, the freedom of the citizen to criticise the government, the freedom of the scientist to dispute truths accepted by the multitude.

Academic freedom, then, is not a problem to be solved in a year or in ten years by this Association or by any other. Immediate Utopia cannot be hoped for. We must patiently proceed to formulate our own views of the needs of our own time, and must then endeavor to impress these views on the community at large. Our function is to build up a sound public opinion. More than this we should not and do not yet attempt to do, through this Committee.

I wish to repudiate the notion that this Association is an occupational union, which seeks to defend its members by a "We Don't Patronize" list, or by any other form of coercion. Its only means of influence is publicity, and thereby an appeal to the common sense of justice.

Publicity is the method by which our Special Committees of Inquiry gain their effect. Their primary service is to establish the facts, and then to publish them. Most of these controversies involve some serious issue of fact; and when an impartial body settles that issue, the judgment that is to be passed will usually be a unanimous one for all fair-minded persons.

That these Special Committees of Inquiry represent an impartial body, thoroughly judicial in spirit, and trustworthy in methods, must by now be obvious to all. The General Committee's rules for their method of investigation form an admirable system for this unique judiciary. The five Reports thus far printed are weighty documents, which would do credit to any judicial court in the world; and their findings must convince all readers that no more impartial and competent tribunal could be found for such cases.

But these inquiries made *after* the fact, which gain their effect by publicity only, may often be replaced by private inquiries, made *before* any public break, and directed to the private use of advice and conciliation for preventing a rupture. During the year, the president of a certain university telegraphed me that a serious case was impending, and that my advice given on the ground would be appreciated. I requested the chairman of the General Committee to proceed to the university for the purpose. He did so. It turned out that no genuine case of violation of academic freedom was involved; but his advice assisted all parties to reach an appropriate settlement. This seems to me the ideal way in which the services of this Association can often be used preventively. If all university authorities could show the same confidence in the function of this Association, we could more frequently illustrate the adage that an ounce of prevention is worth a pound of cure.

The General Committee's report for 1915 offered some "Practical Proposals," which have been communicated to the presidents of several hundred institutions, with a request for their consideration by the boards of trustees or regents. But I point out here that those well-formulated proposals deal only with the procedural part of the subject; they do not touch what the lawyers would call the "substantive law" of the subject. That is, they formulate rules for the giving of a hearing to the professor, and for employing other measures of fair and cautious procedure, before action upon the issue of dismissal; but they do not formulate any definition of the kind of defect or conduct which is to form just ground for dismissal. *E. g.*, assuming that professional incompetence is a just ground, and that the tenor of personal professional views uttered on any subject is *not* a just ground, a main problem is to define the various classes of utterances which are not to be treated as amounting to professional incompetence. This is the most difficult part of the Committee's problem, and will continue to engage its labors.

One feature of it only must here be pointed out; and it is this: There is too much inclination (for all who discuss the subject) to forget that the prime object must be to *protect the competent and unoffending scholar* in his freedom of utterance, and that for this purpose we must *fully expect to have to bear with a few* who are obviously offensive or injudicious. We must guarantee the former's peace of mind; and must, therefore, forbear to discipline occasional instances

of the latter. For the moral effect of penalties in such cases extends to the whole body of competent scholars, and tends to close their mouths for safety's sake. Most of the discussion published seems to assume that the only question can be as to the merits of the utterances of the alleged offender; and this is certainly a gross error. For a single penalty inflicted on only one in a hundred of the academic body serves as a virtual gag to the other ninety-nine, regardless of the actual demerits of the party penalized. No sound rule, therefore, can ever be devised unless it is based on the purpose of securing peace of mind for the body of unoffending scholars, and not merely on the specific desirability of suppressing this or that actual offender. The legal immunity of the judge from all civil liability for his utterances is here a powerful analogy.

The place of the Committee on Academic Freedom in the work of this Association was by circumstances made so prominent in the first year of its labors that public repute gave it an undue emphasis,—as if that Committee were uniquely representative of what this Association proposed to do. I feel bound, therefore, to point out the error signified by such an opinion. This Association exists for *all* the purposes involved in advancing the common interests of university education in this country. It is a sort of federal clearinghouse for university problems. These problems are multifold; and we shall take up as many as can be labored upon at any one time. The Committee on Academic Freedom bears no larger importance in the mass of our work than does the so-called grievance committee in a bar association or a medical association. We have already eighteen working committees, each representing a subject of work with its problems. We wish it to be known at large that the Association is devoting itself to no one exclusive task, but to any and all that are germane and pressing.

*Bulletin, November, 1916.*

ANNUAL MEETING, 1916.<sup>1</sup>—In the course of this work the Committee has come to feel that new methods of procedure should be developed for the effective handling of certain types of cases. If cases that come up are important enough to justify a thorough-going and detailed investigation, these cases have to be put into the

<sup>1</sup> In the absence of Professor A. A. Young, Chairman of Committee A, extracts from a letter of his were read at the meeting. From these the above quotations are made.

hands of sub-committees, and it is unfair to call upon those who are willing to do such service for a disproportionate amount of their time and energy. Moreover, by publishing a detailed analysis and formal findings in the case of every complaint that is made, we should be likely to weaken rather than strengthen our influence. The cases selected for investigation should be those which involve fundamental questions of general principle, and preference should be given to those which involve problems of a new sort, not covered in previous cases. Neither the Association nor its Committee can constitute itself a court for the trial of every educational institution in the country which is thought to have transgressed proper rules of academic freedom and academic tenure. Our work will have a more effective influence if we concern ourselves primarily with the establishment of proper standards and only secondarily with the question of remedying individual cases of injustice. It rarely happens that anything the Association can do can be of much direct service to the injured parties. It will achieve most if it tries to bend its forces toward making repetitions of the kinds of offenses that have occurred in the past impossible.

It frequently happens, moreover, that the essential facts of a case are not in dispute. In such instances the only good that a formal investigation could accomplish would be through the wholesome effect of the publicity given the offending institution. There ought to be some simpler and equally efficient way of bringing the Association's influence to bear. In several instances this year, once by vote of the Committee, the chairman has written to the president of the college or university, calling his attention to our General Report on Academic Freedom and Academic Tenure and indicating the way in which a certain specific action on the part of his institution has contravened the principles and standards set forth in that report. In this correspondence special emphasis has been put upon the desirability of the adoption of a proper procedure for passing upon the question of the competency of a teacher whose dismissal on grounds of incompetency has been proposed. Although the replies from college and university presidents have been courteous and conciliatory, and although the chairman is distinctly of the opinion that since the organization of the Association substantial progress has been made towards the standards for which the Association stands, yet there is reason to believe that this method of personal suggestion

is not wholly satisfactory. A better procedure, possibly, would be the publication in the BULLETIN, without comment, of a statement of material facts agreed to by both parties to a controversy.

The Committee has not found it desirable to prepare a general report this year, for it has felt that more experience should accumulate before an attempt is made to supplement the admirable general report presented a year ago by the previous Committee on Academic Freedom and Academic Tenure. There are indications, however, that when another general report is made it will have to deal more specifically and concretely with formal matters of academic tenure as distinguished from matters of academic freedom. An increasing proportion of the cases brought to the attention of the Committee concern possible infractions of proper standards of academic tenure, and in very few of these is the freedom of academic opinion and utterance in any way involved. In one or two important cases a committee has shown much hesitancy as to the attitude it should take, largely because we have no clearly defined general principles relating to the general conditions of academic tenure.

*Bulletin, February, 1917.*

PRESIDENT FRANK THILLY, 1917.—It was a deep-seated faith in the high mission of the American university and the conviction that its teachers have responsibilities which they cannot shirk that led to the formation of this Association and still inspires its action. Perhaps I may be allowed, in this connection, to quote from a short address which it was my privilege to make before the first meeting of our Association:

In a certain sense it may be said that this new movement has sprung from the consciousness of our need of a greater freedom, or, rather, let us say, of our need of a larger responsibility, a responsibility that calls for a greater freedom of action in meeting it. Broadly speaking, our organization has for its immediate aim the realization of academic freedom. We do not mean by this noble phrase only the freedom of thought and speech, the freedom of teaching and learning—this is merely incidental to a larger freedom. Nor do we mean by it freedom from restraint, freedom on the part of the individual to do what he pleases, freedom from responsibility; such negative freedom, freedom *from* something, is empty and has no worth, taken merely by itself. Genuine freedom consists in the ability and the will to assume responsibility. The kind of freedom the professorate must seek is not freedom from restraint as such, but freedom from such

restraints as hamper beneficent activity and freedom for realizing the purpose of its being. It cannot be too strongly emphasized that what we desire is not freedom as an end in itself, but freedom as a means of better service, freedom as an indispensable condition of intellectual progress and human well-being. It was faith in this idea that led the Prussian government, after much brutality and arbitrariness, to incorporate into the constitution the article: *Die Wissenschaft und ihre Lehre ist frei.* Although this principle was often honored more in the breach than in the observance, it expressed the growing conviction that freedom in the pursuit and diffusion of knowledge was essential to the welfare and progress of the Prussian people. That it is even more essential to the democracy, whose very life is rooted in a healthy public opinion, ought to be apparent to us all.

The professorate must assume the duties and responsibilities which it is capable of assuming, and it must assume them for the good of the higher institutions of learning which they seek to serve. Our aim has been and will continue to be to bring about better conditions in the academic world; to assist the American university in realizing its true purpose; to do our share in making it an organ of progress and a means of enriching our American life. How far we shall succeed in realizing our ideals will depend upon the loyal coöperation of men and women who have joined our ranks; and it is to these that the new President appeals for support in behalf of our society. . . .

In nearly all the cases of alleged violation of academic freedom which have been brought to the attention of our Committee, the ordinary rules of fair play had been ignored, and the authorities had put themselves in the wrong by an unwillingness to give up their supposed prerogative "to do as they please," without regard to decent procedure. What particularly impresses me in the new cases which have been reported since my induction into office (cases in which the question of academic freedom is not involved) is the seeming disregard of the common principles of justice shown by persons, who, as governors of educational institutions, ought to have set a conspicuous example of fair dealing. All our Committee can do for the present, in instances of this kind, is to establish the facts and then to publish them with its own conclusions, trusting in the beneficent influence of the common sense of justice, which sooner or later will do its perfect work.

*Bulletin*, February, 1917.

**REPORT OF COMMITTEE FOR 1917, A. A. YOUNG, Chairman.**—In the present report we propose merely to make record of certain conclusions that we have reached as a result of our experience during the past two years, and, in particular, to discuss some of the larger aspects of the general problem of academic tenure.

During these two years over thirty instances of alleged infraction of proper standards of academic freedom or academic tenure have been brought to the attention of the Committee. It has been impossible to undertake a thorough investigation of each of these cases. Selection has been necessary. The Committee cannot claim to have reached any wholly satisfactory principle of selection. But in its own deliberations—preliminary to a decision on the matter of recommending that an investigation be made—it has tried to adhere to a fairly uniform method of procedure...

We have already said that the cases investigated are but a small proportion of those brought to our attention, and that we have not been able to hit upon any really satisfactory general basis of selection. Certain it is that there has not been an investigation of every case of which investigation might desirably have been made. Not every case, even, in which there was *prima facie* evidence of a violation of proper standards of academic tenure or of a disregard of proper modes of procedure has been assigned to a committee of investigation. We have sometimes had to appear to be indifferent to a real and valid grievance. But our experience has shown pretty clearly that we can rarely expect to obtain the actual redress of an individual grievance, and we do not believe that we should intervene merely to secure the professional rehabilitation of one unjustly dismissed. There is no evidence that unjust dismissal is likely to lower the general academic rating of a scholar or teacher. We have to look to the future rather than to the past, and to the institution rather than to the individual. Injustice to the individual becomes a matter of wider concern when it indicates a bad institutional situation, marked by the rule of intolerance, or dishonesty, or ignorance and creating an atmosphere of discomfort and unrest. If we can not redress grievances we may uncover the conditions which breed them, and so make their recurrence less likely...

In less than a third of the cases brought to our attention have question of academic freedom been involved. But in each case there has been bound up, in one form or another, a problem of aca-

demic tenure. We fear that there is sometimes a disposition to hold that those cases in which the problem of academic freedom is not directly and immediately visible are of relatively minor importance. But such is not the view of this committee. The general problem of academic tenure is the larger of the two, embracing, indeed, the problem of academic freedom as one of its parts. Academic freedom is as a rule adequately safeguarded when right rules of academic tenure prevail...

The real safeguards of academic freedom are the general safeguards of security of academic tenure, and these safeguards consist, in the main, of guarantees of adequate and appropriate procedure. The history of the safeguarding of individual liberties of whatever kind has been the history of the development of procedure. To this general rule the right of academic freedom can be no exception.

But security of academic tenure has other important aspects. Among the alleged grounds of dismissal in the various cases that have come to the attention of the Committee during the past two years have been: inefficiency, untrustworthiness in financial matters, open criticism of one's administrative superiors, refusal to coöperate in the general educational policies of the head of a department or of the administrative authorities of an institution, and the exigencies of an enforced reduction in the salary roll or of a change in the curriculum. It is not necessary here to say which of these things are and which are not adequate grounds of dismissal. Frequently, of course, judgment must depend upon the precise degree and nature of the offense and upon all of its attending conditions. Here, as in the matter of academic freedom, general principles of justice cannot always be counted upon as an immediate and effective solvent of the special difficulties of the particular case in hand. Fundamentally and practically, our reliance must be put on the adoption and use of effective and just methods of procedure, such as were recommended in the general report of the Committee on Academic Freedom and Academic Tenure for 1915, and approved by vote of this Association. The present Committee has used the procedure recommended by the Committee of 1915 as a standard by which to test the adequacy of the procedure actually followed in the various cases of dismissal that have come to our attention. We have also done what we could to secure the wider adoption of this standard procedure, or of some modification or adaptation of it. These efforts

have met, on the whole, with a fair measure of success, and we are encouraged to believe that there will continue to be steady progress towards its general adoption. . . .

But why, it may be asked, should the university or college teacher ask to have safeguards that are not vouchsafed to men in other professions or in business? Why should he refuse to accept the common risk of unemployment? Why should he not step aside when, in the opinion of his administrative superiors, a better man can be secured? Why, in short, should he hesitate to fling his own career into the general competitive struggle for success and for the rewards of success? . . .

To subject the teacher and scholar to all of the risks of the world of competitive enterprise, while withholding from him the chance of its larger pecuniary rewards, is illogical and unfair; and its entire tendency is to dissuade men of ability from entering the academic profession. . . .

Where tenure is insecure, and especially where the power of retention and dismissal is exercised in an arbitrary, capricious, and unjust manner, a premium is put upon the development of petty intrigue and of unworthy methods of securing the favor of the administrative authorities. Men of sound scholarship and high ideals shun positions in institutions where permanency of tenure depends on the continuing favorable judgment of a group of men whose purposes may be praiseworthy but whose judgment is certain to be fallible. The whole situation is one which gives advantages to men of another type: less scrupulous, more apt in petty political manœuvre, more given to time-serving and to various forms of sycophancy. The atmosphere of an institution in which tenure is precarious is not one in which conscientious teaching and sound scholarship are likely to thrive. A degeneration of the institutional spirit, of general moral tone, may frequently be observed in universities and colleges where reasonable security of tenure has ceased to be guaranteed. . . .

Finally, it should be observed that some of the finest fruits of the life of the teacher and investigator are inseparably bound up with security of tenure. Freedom from time-serving, from the necessity of shaping one's work so that there shall be tangible and frequent evidence, no matter how slender, of one's power of scholarly productivity, freedom to plan one's life around some important investi-

gation calling for prolonged and patient research, freedom from any temptation to sycophancy, freedom for true institutional loyalty,—is it not clear that these are large things, and that the possible abuses of security of tenure are, in comparison, small things? In insisting upon security of academic tenure, this Association is merely insisting that the work of the teacher and investigator shall be given a fair chance to realize its best possibilities.

*Bulletin, February-March, 1918.*

PRESIDENT A. O. LOVEJOY, 1919.—The coming years, it can hardly be doubted, will be characterized by persistent and intensified controversy between economic groups over the many phases and ramifications of the problems of distribution and industrial organization; and we shall be fortunate if, in the course of these controversies, some of the most vital interests of civilization are not imperilled.

These facts have a special and definite meaning for our profession and for this Association. For it ought to be expected, and it is certainly to be desired, that in such a period of social controversy and class conflict, a considerable influence will be exercised by the men who have given their lives to the study of the social sciences—by a body of experts out of touch neither with affairs nor with popular movements, but habituated to seeing social problems steadily and to seeing them whole, and competent to apply the adequately analyzed lessons of experience to the rational shaping of the future. Such an influence is bound to make on the whole for reasonableness, balance, patience, for the control of social evolution by disinterested and informed intelligence, rather than by empty catchwords or by blundering and lawless cupidities. But the exercise of any measure of such influence by the students of the social sciences—by the economists, the historians, the psychologists, the political and social philosophers—is absolutely dependent upon one condition: that their opinions and utterances be in fact the disinterested and unhampered expression of their own inquiry and reflection, and be known to all men to be such. And this condition, obviously, cannot be fulfilled if the great majority of special students of social problems—who are, in their economic status, employees of institutions of learning—are in any degree dependent for their livelihood or professional advancement upon the conformity of their views or utterances to standards fixed for them either by private donors of funds for edu-

cational purposes, or by the political group which may at any given moment be dominant in the state. The general public is little likely to heed ostensibly "expert" opinions and arguments which it knows—or has plausible grounds for believing—to have been bought and paid for, or to have been delivered under any kind of duress.

It is for this reason that the maintenance of "academic freedom" must be a perennial and essential part of the business of this Association. It is worth while to insist upon this anew, because one sometimes hears within the Association itself murmurings that "there has been too much talk about academic freedom." There can hardly be too much talk about it until the simple and fundamental principles above recapitulated are recognized as axiomatic by all educated persons, especially by all who have anything to do with the management of universities. That these principles are not thus generally recognized is plain. Persons otherwise intelligent may still frequently be heard arguing upon the naïve assumption that, in university affairs, those who pay the piper are entitled to call the tune. Such persons have apparently not yet learned that, by its very essence, a university is an institution in which opinions are not for sale and doctrines are not served to order. They have not even seen that what might be one of the important forces making in the main for intelligence, moderation and order, in the practical solution of social problems, will be reduced to impotence, unless the intellectual independence and the full freedom of utterance of the professional investigator of such problems are effectually guaranteed. Until, then, these considerations become universally accepted commonplaces, it will be needful for us to continue both to reiterate the theory of academic freedom and to insist upon the practice of it.

Both of these tasks require more active coöperation from individual members of the Association than many members realize. Since so considerable a part of the more or less educated public does not yet understand *why* freedom of opinion and of teaching is indispensable to the performance by our profession of certain of its most important and useful social functions, members should take advantage of suitable opportunities for presenting the meaning of the principle, and the arguments for it, in their own communities. And when grave violations of it occur in any institution, it is essential that the members of the local faculty regard the defense of that principle, and of all the weighty interests of the university and of

society which are involved in it, as primarily their own responsibility. There is reason to fear that the organization of this Association has in some degree actually decreased the initiative and the sense of responsibility of faculties, in this respect. Before the Association was established, several serious cases of dismissal for improper reasons were promptly followed by the resignation of many members of the faculties affected. Now, even when gross abuses occur, there is a tendency to leave the whole matter to the Association. But, valuable as investigations by committees of inquiry are, and potent as is the weapon of publicity, in many cases no great improvement of conditions in an institution can be safely counted upon, unless its teachers show plainly that they are prepared to defend the standards of their profession and the permanent interests of the institution, and are ready, upon sufficiently grave occasions, to make all necessary sacrifices in that cause; and unless, also, teachers of good standing elsewhere make it clear that they will not accept positions in institutions in which seriously objectionable conditions exist. Freedom of teaching, like most of the other forms of desirable freedom, is unlikely to be won, or kept, unless those who are its natural guardians possess a certain measure of civil courage.

Yet the defense of the scholar's freedom and intellectual integrity—and thereby of the dignity and the public influence of scholarship itself—is not a task to be performed solely or mainly after critical situations have already arisen. For the first practical requisite in this matter is the establishment of permanent procedural safeguards against illegitimate removals from office—the creation of judicial machinery which shall, so far as any formal contrivance may, render impossible the removal of teachers for improper reasons, while rendering easy the removal of them for proper reasons. The essential means to this end is that every teacher on permanent or indefinite tenure shall, before removal, be assured of a judicial hearing upon specific charges before a representative body composed either of members of the faculty reporting to the board of trustees, or members of the faculty and trustees in equal number, chosen because of their capacity to exercise judicial responsibility. The time to establish these safeguards, where they do not already exist, is *before* the emergency arises which demonstrates their indispensability. If such judicial bodies, with adequate powers, had existed as

accepted features of the internal economy of all American colleges and universities, most of the unhappy incidents which have in late years been the scandal of our republic of letters would in all probability never have occurred.

This, again, is a task which must be carried out chiefly by individual members of the Association acting in coöperation with their colleagues in their own faculties. Some progress in this matter has already been made, but it is less general than it ought to be and might reasonably have been expected to be. Here, too, members too often, as it seems to me, disregard their immediate responsibilities for the establishment of right conditions in their own institution, and rely vaguely upon the national organization to accomplish for them what it cannot either properly or effectively undertake, except in support of locally initiated efforts. It is time that, in every college or university in which such rules of judicial procedure as have been formulated in the two general reports of Committee A have not already been adopted, the members of the local faculty should make it their immediate business to bring about their adoption. It will be highly discreditable to the body of American university teachers, and especially to the membership of this Association, if, within five years from now, this elementary and palpably necessary reform is not realized in virtually all educationally reputable institutions.

In this undertaking, however, enlightened college executives should be not less interested than teachers; and it seems not unreasonable to count upon the active coöperation of many of them. The secretary of the Association has suggested that a conference between representatives of the Council and Committee A and a representative group of college presidents might lead to the formulation of a program which would rapidly obtain general acceptance by local governing boards. There has not been an opportunity during the past year for the carrying out of this suggestion; but I cordially commend it to the favorable consideration of the incoming officers and Council.

*Bulletin*, November-December, 1919.

COMMITTEE REPORT FOR 1920, F. S. DEIBLER, *Chairman*.—The Committee has given consideration to six cases. One report has been completed and its publication authorized. Two investi-

gations have been ordered and committees appointed. The investigations in these cases are now under way. One application for investigation was denied. One application was of such a character that the chairman of the Committee thought it wise not to bring it before the Committee. The circumstances which led to a dismissal in this case grew out of differences arising during the war. The chairman laid the facts before influential friends of the institution involved and suggested that the problem was really theirs and in justice to the good name of the institution they should assume responsibility for the proper handling of the case. There is one application for an investigation now pending before the Committee.

In only one of these cases is there evidence pointing toward an encroachment upon the principles of academic freedom. The experience of the year, therefore, bears out the past experience of the Committee that the most important issue in college and university administration as it affects the teaching staff in the field covered by this Committee is that of tenure. In all of these cases it was revealed that there had been little or no attempt made to define in advance of a case the tenure of the teaching staff or to set up an orderly procedure to deal with dismissals or demotion. In fact, in one institution, the faculty had defeated a plan to constitute a judicial committee to deal with dismissal cases, thereby putting itself on record as opposed to faculty interference in such cases. The result is that dismissals have been handled solely by the administrative officers. In some of these cases the evidence is convincing that administrative power has been used arbitrarily with the result either that men of force on the faculty have left the institution, thereby depriving it of the influence of strong personalities, or the members of the faculty have been intimidated and terrorized for fear that the voicing of sentiments in opposition to the administrative officers would mean the loss of their own positions.

It is evident, then, from the year's experience that one of the important problems for the college and university faculties is to develop in their respective institutions a set of principles that will insure against the arbitrary exercise of administrative authority, but will, at the same time, allow of an effective weeding out of inefficient and unworthy members among their own numbers. An orderly procedure should also be formulated in the respective institution for the effective operation of principles thus agreed upon.

Unless the members of the faculties desire that some such rules and machinery be adopted, it becomes increasingly difficult for an outside association to develop any general reform along these lines.

Another matter of general interest is the acceptance by an institution of a gift for the specific purpose of controlling the teaching of the chair thus endowed. No self-respecting instructor will accept a position where his freedom of research and teaching is thus encroached upon. The acceptance by the trustees of a college or university of such a gift clearly takes that institution out of the class of colleges and universities in the accepted meaning of these terms and places it in the class of those engaged in propaganda activities. To regard the teacher as a hired man or a salesman and to lay out the doctrines which he must teach is contrary to the most fundamental principles of academic freedom and should be frowned upon by all who have regard for the untrammeled promotion of truth.

*Bulletin*, January-February, 1921.

COMMITTEE REPORT FOR 1921, F. S. DEIBLER, *Chairman*.—The report from Committee A is in two parts. The first part presents the facts found in an investigation which the Committee was requested to make. The second part reviews the activity of the Committee during the past year, with an expression of certain opinions which the chairman has formed during his two years' experience with the problems of the Committee.

#### PART I

The Council requested Committee A to investigate the extent to which the principles of academic freedom set forth in the reports of the Association and the procedure in dismissal cases approved by the Association have become accepted by the institutions throughout the country. The Council wished to find out how much effort had been put forth by the Local Chapters in securing the acceptance of the standards approved by the Association. . . .

Certain conclusions seem apparent from the information that has come to the Committee in the form herein indicated.

1. There has developed a considerable faculty influence in the control of appointments and dismissals in the institutions studied. Among these are both large and small institutions; both state and endowed institutions. It would seem from the replies that there has

been less attention in state than in endowed institutions. Certainly the most completely organized plans of procedure for exercising faculty influence in protecting professional standards of academic freedom and tenure appear in endowed institutions. The problem is more difficult to deal with in a state university on account of the legal relations, and this may explain the difference found.

2. The principles set up by this Association are gradually becoming recognized as reasonable standards to be attained. An examination of the statutory provisions that have been adopted in recent years will clearly reveal internal evidence of familiarity with the declarations of this Association on the points covered.

The identical phrases appear in some of these documents that are found in the pronouncements of our Association. It would seem, then, that gradually and with no blare of trumpets the Association has been a potent influence in formulating an opinion in respect to the proper professional standing of the instructional staff of our colleges and universities; in determining what protection is necessary to promote research and the promulgation of truth; what procedure in terminating contractual relations is in keeping with the vital interests of the teacher or research student, and the dignity of the institution. Evidence appears to show that members of the profession frown on incompetency and inefficiency and that faculty members have shown fearlessness in taking the initiative to remove incompetent and inefficient teachers. It is evident that the right to participate in the determination of policies affecting the interests of the faculty will carry with it responsibilities not previously assumed. There cannot be authority without responsibility.

3. Finally, the evidence shows that while Local Chapters in a number of institutions, but not in all, have taken an active part in bringing about the results above described, in a great majority of the instances studied the Chapters have not been as potent an influence as the effective formulation of standards by the Association. There has been a large degree of inactivity on the part of the Chapters. Whether this can or should be otherwise is not part of the purpose of this investigation. Judged by the replies received, no other conclusion can be drawn.

The replies suggest one possible means by which the Local Chapter can become more effective. In a good many of the returns and from

other letters received, it is evident that the local members are not familiar with the previous reports of the Association nor at all times with the work which the various committees are attempting to do. Members who have joined the Association since the earlier reports were made, are probably unacquainted with the pronouncements of the Association on the many questions that have come before it. The Local Chapter is a convenient medium by which this information, whether found in previous reports or contained in the work of current committees, can be brought to the attention of the local members. Discussion of these matters, especially in their adaptation to local situations, will tend to create an interest and aid in developing a public opinion among the members of the profession, from whom the educating influences on general public opinion pertaining to these questions of such vital interest to the profession must come.

#### PART II

The following summary of the activities of Committee A during the past year is presented. The Committee has had presented to it during the year but four new cases. One of these was voluntarily withdrawn, one has received the sanction of the Committee for an investigation, and two are under consideration.

Two pending reports have been completed, and approved, by the Committee, and advanced for publication. In one of these reports, the action of the institution was upheld, while in the other the verdict of the Committee was that a serious mistake was made by the institution and an injustice done the men involved. A third report is in the hands of the Chairman and will be presented to the Committee as soon as certain preliminary correspondence can be had and an agreement reached on certain details of the report.

In two of the new cases there appears to be a question of a violation of academic freedom. From the point of view of the Association, these cases should furnish a basis for careful discrimination in the use of the principles laid down in the previous pronouncements on this subject.

The method of handling such cases presents a real problem for the Association. Our present method is as follows: A case reaches the attention of the chairman of Committee A, who makes such preliminary investigation as he thinks wise. Usually documents

are submitted by the party affected, but these may be colored by his personal interests. Statements concerning the case made by friends are likely to be biased. Correspondence with the administrative officers of the institution often adds a different story. From these sources the chairman has to decide whether or not an investigation is warranted.

Then the case is presented to the Committee, which is composed of fourteen or fifteen members distributed from one end of the country to the other; with the request for a vote authorizing an investigation. By the time this vote of the Committee is taken, a considerable time has elapsed. Then the chairman of Committee A must secure a group of men willing to undertake the investigation. In making this selection two principles have been followed. First, the investigating Committee should represent different fields of learning, thus bringing the question at issue under the scrutiny of men with different training and problems. It has been thought greater confidence would be given to reports that were convincing to men accustomed to deal with different educational questions. The second principle has been to find either a chairman or some member of the sub-committee sufficiently near the institution involved that first-hand investigation may be made without drawing too heavily upon the funds of the Association.

The burden of the investigation falls upon the chairman of the sub-committee. He collects the facts, formulates the report, and then submits the same to his colleagues on this Committee. When agreement is reached the report comes back to the chairman of Committee A, who is supposed to scrutinize it to make sure that the procedure of investigation approved by the Committee has been followed and to see if the report conforms in the main with the principles of the Association. He then must lay before Committee A a statement of conclusions, with certification that the report has been made in accordance with approved rules, and with a request for authorization to publish. A practice has grown up in connection with the publication of these reports that the sub-committee of investigation alone is responsible for the facts contained in the report. It is apparent, therefore, that the real responsibility for these reports and the real work done on them is by the chairman of the investigating Committee and the Chairman of Committee A. It is also apparent that of necessity a very long time will elapse between the case

and the report. From the point of view of the man, this is frequently a very annoying situation. From the point of view of the Association interested in developing a sound public opinion in regard to the questions of tenure and academic freedom, the time element is not of so much concern. The fact that the trustees and administrative officers of an institution have had to face a concrete case and think of the issues involved creates the atmosphere in which the educating influences of the Association can best be made effective. As the result of every case there has been a wide circle of educating influence. The discussion of the case has touched a much larger group of persons than those immediately affected. But to the man the method is slow and unsatisfactory.

Consequently there is a real problem here for the Association. If a method can be devised which will shorten materially the time between a case and the report of this Association it would be helpful. It is also a question whether the administrative officers should not be brought more closely into connection with these investigations, so that the issues raised by the individual cases may be brought to bear on the principles for which the Association is to stand.

The suggestions made by the Secretary of our Association appearing in the December, 1920, issue of the *Educational Review* appear to me to have much merit in them. The results found in the investigation contained in Part I of this report add to my conviction that something along this line can be profitably undertaken by this Association. The influence of accepted codes is powerful. Hence I wish to embody the suggestions of Secretary Tyler in this report as a basis for further discussion by this Association.

"1. An acceptable standard code of what academic freedom means and of what it does not mean should be worked out by collaboration of the parties in interest. The university teachers are now in a position to do this as never before through the Association of University Professors, with its membership of 3500 and its five years' varied experience in dealing with specific problems. The administrative agencies have no single organization, but would be representable by the Association of American Universities, the Association of American Colleges, etc.—or more completely by the American Council on Education. A code once well established would be gradually extended and perfected by actual experience in applying it.

"2. A standard procedure should be agreed upon, which should protect the individual teacher against injustice and protect the

administration against the imputation—just, or unjust—of prejudice or arbitrary action. This procedure might be carried out under the direction of a national joint committee, dealing with principles and general policies, with a system of regional sub-committees, composed mainly—but not exclusively—of university teachers which should review evidence and report findings. Actual power would remain as now with the individual boards of trustees, but if the plan was successful, few boards of trustees would act counter to its recommendations.

"The guiding principle of these proposals and the consistent aim in applying them should be essentially prevention rather than mere investigation of facts accomplished. The recognition of larger responsibility of the teaching profession for the standards of its members would be conscientiously met. Teachers of erratic tendencies would be steadied by the existence of such standards and the knowledge that only within certain recognized bounds will their profession protect them. Teachers would be safeguarded by their consciousness of professional membership. The administration disposed to be arbitrary would hesitate to incur the consequences and would take more pains as to its basis for charges of inefficiency. Parochial boards of trustees would find it less easy than now to improvise arbitrary standards. The systematic co-operation of trustees and teachers would be instructive to both. In many cases there would be opportunity for mediatory action of an informal sort which would forestall serious difficulties."

In the report from this Committee last year, attention was called to the fact that one institution has accepted "a gift for the specific purpose of controlling the teaching of the chair thus endowed." This is a matter that should receive the unqualified condemnation of the entire teaching profession. In connection with this question it will be of interest to the members of this Association to see what the President of one of our great universities has to say in his annual report on this subject (President Butler, Columbia, 1919):

"Under no circumstances should, or can, any self-respecting university accept a gift upon conditions which fix or hamper its complete freedom in the control of its own educational policies and activities. To accept a gift on condition that a certain doctrine or theory be taught or be not taught, or on condition that a certain administrative policy be pursued or be not pursued, is to surrender a university's freedom and to strike a blow at what should be its characteristic independence. Indeed, any donor who would venture to attempt to bind a university, either as to the form or the content of its teaching or as to its administrative policies, would be a dangerous person. Unless the public can have full faith in the intellectual

and moral integrity of its universities and complete confidence that they direct and are responsible for their own policies, there can be no proper and helpful relationship between the universities and the public. A university may accept a gift to extend and improve its teaching of history, but it may not accept a gift to put a fixed and definite interpretation, good for all time, upon any facts of history. A university may accept a gift to increase the salaries of its professors, but it may not accept a gift for such purpose on condition that the salaries of professors shall never exceed a stated maximum, or that some professors shall be restricted as others are not in their personal, literary or scientific activities. No university is so poor that it can afford to accept a gift which restricts its independence, and no university is so rich that it would not be impoverished by an addition to its resources which tied the hands of its governing boards." . . .

The acceptance of these fundamental principles is an essential condition for wise administration of our colleges and universities. The trustees and administrative officers should keep these basic ideas in mind when prospective gifts are under consideration. In the language of President Butler, "No university is so poor that it can afford to accept a gift which restricts its independence, and no university is so rich that it would not be impoverished by an addition to its resources which tied the hands of its governing boards." The alternative policy leads surely to the decay of intellectual life. There can be no rational progress for the community unless the inquiry for truth is free, open-minded, and frank.

*Bulletin, February, 1922.*

PRESIDENT EDWIN R. A. SELIGMAN, 1921.—If, therefore, I take up first our common rights, I wish to be understood as conceiving of these rights not so much in themselves, as opportunities, as rights to perform services through which we may absolve ourselves of our duty. Reserving, then, a consideration of our common duties until a little later, let us begin with our rights.

There are four fundamental rights which our Association has been attempting to emphasize. These are, in turn, security of tenure, liberty of thought and expression, adequate leisure, and reasonable compensation. In each one of these, however, except the last, there is a difference in degree between the college and the university. . . .

It goes without saying that in a certain sense security of tenure is an indefeasible right of all of us. In the economic world of today it is coming more and more to be recognized that perhaps the

greatest evil connected with the lot of the workmen is the uncertainty of employment. When each weekly pay envelope may be his last, it is only natural that his interest in the economic process should be limited to the reception of that envelope. But if insecurity of tenure is now recognized by our leading thinkers and foremost captains of industry as the center of the problem of industrial unrest, how much more true is the fact when applied to the gild of teachers. We need security of tenure in order to bring out what is best in us; we need it in order to divert our thoughts from the compensation to the opportunities of our position; we need it in order to give us that peace of mind without which good work is impossible; we need it in order to feel assured that we shall not be exposed to the gusts of caprice and the shifting winds of institutional fortunes; we need it, in short, in order to be really ourselves and not a mere counterfeit or presentment of our better selves.

While this is true of all of us, there are certain differences. In the case of a teacher engaged primarily in directing the work of advanced students and chosen chiefly for his powers of research and his ability to make fresh contributions to knowledge, it is necessary to go to the extreme length in the matter of security of tenure. In a true university the fact that the professor may deteriorate in his constructive powers, or may no longer be able to attract the students who have hitherto thronged to his lectures, cannot be permitted in the least to endanger his position. The time to exercise this scrutiny is at the period of his appointment: if he runs the gauntlet then, it is quite sufficient; for any other course would react disastrously upon the welfare of the group as a whole. It is for this reason that in the universities abroad we find acceptance of the principle: "Once a professor, always a professor." He may stop his research, he may cease his lectures, he may go so far even as to give offense to this or that class: he is still virtually irremovable. The risk in the case of the individual professor is accepted for the sake of the dignity and the standing of the profession as a whole.

It is manifestly difficult, however, to apply the same principle to a teacher whose chief or exclusive employment is the instruction of more or less immature students, especially in the earlier years of our present college course. One engaged in such employment must at any rate be able to teach; and if, for lack of the qualities necessary in that function or for any other reason, he is now incompetent to fill

the position, it is not always easy to decide as to how far he should continue to be imposed upon the students. . . An absolute security of tenure would in such a case be really detrimental to progress.

What we have a right to demand, however, is that even in such cases, whether of moral obliquity or extreme inefficiency, the individual should be protected against injustice, whim, or arbitrariness; that due notice of the proposed action be given; that a properly constituted tribunal of his peers be erected; that he has a right to be heard in his defense; and that the utmost measure of consideration be shown if a severance of the relations ultimately becomes necessary. Even where there is no inviolability of position, the individual must be protected in the demand for a reasonable security of tenure.

Much the same argument applies to the right of liberty of thought and expression. It goes without saying that in an institution which is devoted primarily to widening the horizon of mankind and of broadening the field of knowledge, anything which interferes in even the slightest degree with the liberty of thought and expression is quite inadmissible. We are still so densely ignorant, we are still groping so blindly for the light to illumine the world of thought and action, that even the slightest impediment put upon the freest exercise of our intelligence would be fatal. It would be just as absurd to remove from the laboratory of the chemist or physicist certain vials and instruments which are marked "forbidden" as it would be to put athwart the path of the philosopher obstacles to the fullest fruition of his independent thought. In a world where no one believes what his father has believed, where well-nigh everything is in a state of flux, where political and especially economic institutions are perpetually subject to change, how fatal to human progress would it be if the slightest brake were put on the effort of the human mind to convert the unknown into the known!

But should the teacher of elementary subjects in the opening years of the college enjoy quite the same measure of freedom in his methods and utterances in the class room? Instead of mature students who are eager to hear the last word of striving in human thought and who have the capacity to subject the utterances of the professor to the close criticism of the trained mind, we may be dealing with a group of callow youths whose only interest it is to get a point of view or to receive a nugget of reputed wisdom. Has not, for

instance, the teacher of elementary economics to a class of beginners a different responsibility from the leader of an advanced seminar? Does he not owe a certain respect to the feelings, aye, even to the prejudices, of his entourage? Has he the same right to be cynical or destructive? Must he not observe a certain moderation, at least in expression?

Not a few of the cases of alleged infraction of the liberty of thought which have been presented to our committee on academic freedom have been on this border line of what is or is not allowable. Do we strengthen the legitimacy of the general principle by applying it to doubtful cases? It is, of course, never permissible to subject to a censorship the opinions of even the elementary school-teacher who does not by his teaching or his personality exert an unfortunate influence on his pupils. It is sadly true that in a time like the present, where mankind is being swayed more by emotions than by intellect, and where we, especially in America, have been swept by the passions of war from so many of our ancient moorings, even this principle has not infrequently been violated. It is moreover indispensable that any limitations or regulations designed to affect even the elementary college instructor should be framed, not by the administrative authorities, but by his own associates in the department or his academic colleagues in the country at large. The point that I am seeking to emphasize, however, is that we must not exaggerate, and that if we apply the principle of absolute liberty of thought and expression to cases where it is only in part relevant we jeopardize the maintenance of the principle itself.

*Bulletin*, February, 1922.

## QUOTATIONS FROM UNIVERSITY PRESIDENTS

PRESIDENT LOWELL.—The war has brought to the front in academic life many questions which are new, or present themselves to many people in a new light. One of these is liberty of speech on the part of the professor; and it seems a not unfitting time to analyze the principles involved, and seek to discover their limitations. In so doing I shall deal only with higher education, that is, with universities and colleges.

Experience has proved, and probably no one would now deny, that knowledge can advance, or at least can advance most rapidly, only by means of an unfettered search for truth on the part of those who devote their lives to seeking it in their respective fields, and by complete freedom in imparting to their pupils the truth that they have found. This has become an axiom in higher education, in spite of the fact that a searcher may discover error instead of truth, and be misled, and mislead others, thereby. We believe that if light enough is let in, the real relations of things will soon be seen, and that they can be seen in no other way. Such a principle, however, does not solve the actual problems, because the difficulty lies in the application; and for that purpose one must consider the question in various aspects. One must distinguish between the matters that fall within and those that lie outside of the professor's field of study; then there is a difference in the professor's position in his class room and beyond it. These two cross divisions raise four distinct problems that may profitably be discussed in succession.

The teaching by the professor in his class room on the subjects within the scope of his chair ought to be absolutely free. He must teach the truth as he has found it and sees it. This is the primary condition of academic freedom, and any violation of it endangers intellectual progress. In order to make it secure it is essential that the teaching in the class room should be confidential. This does not mean that it is secret, but that what is said there should not be published. If the remarks of the instructor were repeated by the pupils in the public press, he would be subjected to constant criticism by people not familiar with the subject, who misunderstood his teaching; and, what is more important, he would certainly be mis-

quoted, because his remarks would be reported by the student without their context or the qualifications that give them their accuracy. Moreover, if the rule that remarks in the class room shall not be reported for publication elsewhere is to be maintained, the professor himself must not report them. Lectures open to the public stand on a different footing; but lectures in a private class room must not be given by the instructor to the newspapers. That principle is, I believe, observed in all reputable institutions.

This brings us to the next subdivision of the inquiry, the freedom of the professor within his field of study, but outside of his class room. It has been pointed out that he ought not to publish his class room lectures as such in the daily press. That does not mean a denial of the right to publish them in a book, or their substance in a learned periodical. On the contrary, the object of institutions of learning is not only the acquisition but also the diffusion of knowledge. Every professor must, therefore, be wholly unrestrained in publishing the results of his study in the field of his professorship. It is needless to add that for the dignity of his profession, for the maintenance of its privileges, as well as for his own reputation among his fellows, whatever he writes or says on his own subject should be uttered as a scholar, in a scholarly tone and form. This is a matter of decorum, not of discipline; to be remedied by a suggestion, not by a penalty.

In troublous times much more serious difficulty, and much more confusion of thought, arises from the other half of our subject, the right of a professor to express his views without restraint on matters lying outside the sphere of his professorship. This is not a question of academic freedom in its true sense, but of the personal liberty of the citizen. It has nothing to do with liberty of research and instruction in the subject for which the professor occupies the chair that makes him a member of the university. The fact that a man fills a chair of astronomy, for example, confers on him no special knowledge of, and no peculiar right to speak upon, the protective tariff. His right to speak about a subject on which he is not an authority is simply the right of any other man, and the question is simply whether the university or college by employing him as a professor acquires a right to restrict his freedom as a citizen. It seems to me that this question can be answered only by again considering his position in his class room and outside of it.

The university or college is under certain obligations to its students.

It compels them to attend courses of instruction, and on their side they have a right not to be compelled to listen to remarks offensive or injurious to them on subjects of which the instructor is not a master—a right which the teacher is bound to respect. A professor of Greek, for example, is not at liberty to harangue his pupils on the futility and harmfulness of vaccination; a professor of economics, on Bacon's authorship of Shakespeare; or a professor of bacteriology, on the tenets of the Catholic Church. Everyone will admit this when stated in such extreme forms; and the reason is that the professor speaks to his class as a professor, not as a citizen. He speaks from his chair and must speak from that alone. The difficulty lies in drawing the line between that which does and does not fall properly within the professor's subject; and where the line ought to be drawn the professor can hardly claim an arbitrary power to judge, since the question affects the rights both of himself and his students. But serious friction rarely arises, I believe, from this cause, and a word of caution would ordinarily be enough.

The gravest questions, and the strongest feelings, arise from action by a professor beyond his chosen field and outside of his class room. Here he speaks only as a citizen. By appointment to a professorship he acquires no rights that he did not possess before; but there is a real difference of opinion today on the question whether he loses any rights that he would otherwise enjoy. The argument in favor of a restraining power on the part of the governing boards of universities and colleges is based upon the fact that by extreme, or injudicious, remarks that shock public sentiment a professor can do great harm to the institution with which he is connected. That is true, and sometimes a professor thoughtlessly does an injury that is without justification. If he publishes an article on the futility and harmfulness of vaccination, and signs it as professor in a certain university, he leads the public to believe that his views are those of an authority on the subject, approved by the institution and taught to its students. If he is really a professor of Greek, he is misleading the public and misrepresenting his university, which he would not do if he gave his title in full.

In spite, however, of the risk of injury to the institution, the objections to restraint upon what professors may say as citizens seem to me far greater than the harm done by leaving them free. In the first place, to impose upon the teacher in a university restrictions to

which the members of other professions, lawyers, physicians, engineers, and so forth, are not subjected, would produce a sense of irritation and humiliation. In accepting a chair under such conditions a man would surrender a part of his liberty; what he might say would be submitted to the censorship of a board of trustees, and he would cease to be a free citizen. The lawyer, physician or engineer may express his views as he likes on the subject of the protective tariff; shall the professor of astronomy not be free to do the same? Such a policy would tend seriously to discourage some of the best men from taking up the scholar's life. It is not a question of academic freedom, but of personal liberty from constraint, yet it touches the dignity of the academic career.

That is an objection to restraint on freedom of speech from the standpoint of the teacher. There is another, not less weighty, from that of the institution itself. If a university or college censors what its professors may say, if it restrains them from uttering something that it does not approve, it thereby assumes responsibility for that which it permits them to say. This is logical and inevitable, but it is a responsibility which an institution of learning would be very unwise in assuming. It is sometimes suggested that the principles are different in time of war; that the governing boards are then justified in restraining unpatriotic expressions injurious to the country. But the same problem is presented in war time as in time of peace. If the university is right in restraining its professors, it has a duty to do so, and it is responsible for whatever it permits. There is no middle ground. Either the university assumes full responsibility for permitting its professors to express certain opinions in public, or it assumes no responsibility whatever, and leaves them to be dealt with like other citizens by the public authorities according to the laws of the land.

All this refers, of course, to opinions on public matters sincerely uttered. If a professor speaks in a way that reveals moral obliquity, he may be treated as he would on any other evidence of moral defect; for character in the teacher is essential to the welfare of the students.

Every human attempt to attain a good object involves some compromise, some sacrifice of lesser ends for the larger ones. Hence every profession has its own code of ethics designed to promote its major objects, and entailing restrictions whose importance is often

not clear to outsiders. But for the teachers in American universities and colleges the code of professional ethics does not appear to have been thoroughly developed or to be fully understood either by teachers or trustees. That result requires time, and for this reason few difficulties arise in institutions that have had a long and gradual growth.

Surely abuse of speech, abuse of authority, and arbitrary restraint and friction would be reduced if men kept in mind the distinction between the privilege of academic freedom and the common right of personal liberty as a citizen, between what may properly be said in the class room and what in public. But it must not be forgotten that all liberty and every privilege implies responsibilities. Professors should speak in public, soberly and seriously, not for notoriety or self-advertisement, under a deep sense of responsibility for the good name of the institution and the dignity of their profession. They should take care that they are understood to speak personally, not officially. When they so speak, and governing boards respect their freedom to express their sincere opinions as other citizens may do, there will be little danger that liberty of speech will be either misused or curtailed.

*Annual Report for 1916-17.*

PRESIDENT MEIKLEJOHN.—. . . But freedom as a privilege is not fundamental. The duty or obligation to be free is the essential thing. I take it that the community is so related to the college and the college so related to the professor, that the community makes a demand upon the college with regard to the professor. It says, "I demand of you that for the sake of my welfare you see to it that the study of my scholars and the learning of my children be free." And the duty, the obligation, of the professor is to the college just as the obligation of the college is to the community. In order to do its service, he must be free; he is a trickster and a fraud if he is not free. When he speaks of freedom, he is not playing with his own perquisites and possessions; he is facing his master and the commands of his duty are upon him. . . .

If now the college be defined in terms of these two impulses, it is essentially, not accidentally, a place of freedom. It is a place in which the human mind is seeking deliverance from its bonds—the bonds of partial knowledge and self-interest. It has no hope of

fully achieving such freedom, and yet this end defines its work. Men form their opinions from partial knowledge; the college must know, so far as may be known, all that the human mind has thought and learned which bears on these opinions. Men fashion their thoughts according as their interests and activities have moulded and shaped their minds; the college may have no special interests shaping it. It must in this sense stand apart, viewing all interests of men alike with equal eye, and measuring each in terms of every other and the whole. It is a place of knowledge and of criticism.

What, then, is academic freedom? It is, it seems to me, the very quality of a college. The question whether or not a college is free is meaningless. An institution which is not intellectually free is not a college, whatever else it be. States may be servants of partial insights and partial interests, and so may factories and corporations, and even schools of medicine; but not so colleges. A college is our social and individual striving to escape the bonds which the world's work would fix upon us. It is the search for freedom from ourselves.

Again, the college has no list of dogmas or doctrines which it seeks to teach. There is no catalogue of things to be believed, nor any list of problems which should not be discussed. I have heard the suggestion made that certain matters are not to be regarded as "subjects of reasonable controversy." I am sure that for a college no such prohibition can be made. I do not mean that every problem of human life will be discussed by every student all the time. There must be pedagogic common sense in choosing things to think about. But are there matters which are not "subjects of reasonable controversy?" I know no other test that this—any matter concerning which reasonable men differ is a subject of reasonable controversy. And if there be such reasonable disagreements, young minds should know about them in proper time. . . .

Does the receiving of gifts from private donors or public governments destroy or hamper the freedom of the college? Yes, in some degree. Taking the college world at large, such influences are subtly, or not so subtly, felt. But there is no essential reason why they should be present. If they are, some one has failed to understand his task and hence to do it. No college, clearly conceived and honestly administered, would take a gift to which such influence was attached. No college is for sale, and nothing that is for sale, subtly or obviously, can be a college

I think that the Association of University Professors, fine as it is in purpose, has tended to increase misapprehension at this point. The Association in its proposals and discussions has sundered the college in two. It has opposed the teachers and the administrators. Trustees and presidents, it seems to say, must further the material interests of the college, must pay the bills, and find the wherewithal to pay them. Professors, on the other hand, have no concern with interests like these; they are the scholars and teachers, interested in the truth. Professors are free, but trustees and presidents—well, they must get the money, so perhaps they must give up some measure of their freedom. What does this mean?

It sometimes seems as if professors said, "Let presidents and trustees get money as they can; let them make promises to donors or legislators if need be; but we will see that the promises they give are broken; no man can influence us." Professors free; trustees and presidents slaves, that seems to be the doctrine. But surely such a doctrine is false and hateful. No college can live half-slave and yet half-free. Professors have no right to freedom unless the college as a whole is free. The freedom of professors is a myth unless it lives within the freedom of the college.

I think that in the large, with very little reservation, the colleges are free, trustees and presidents as well as teachers. Donors and legislators are eager to give to institutions which no man can buy. That is their reason for giving. But public confidence in such freedom is not so easy to secure. Men carry the notions of property and ownership from other fields into the college field; they make a gift into a bargain, and so they fail to understand. The college must explain itself, must make its friends and foes alike perceive that it is one in purpose; honest in dealings, seeking to free men from ignorance and self-interest, seeking to make for men knowledge and self-criticism. It has no other purpose in any part or fragment of its being. . . .

May teachers be dismissed because they hold and advocate this view or that? Such action would contravene the very spirit and purpose of a college. Professors must be good men, must study well and teach successfully. If these requirements are met, no question can be raised regarding their opinions. The college has no fear of any opinions. It takes them all and judges them. If this be true,

the tenure of the teacher is not that of one who is paid to work as he is told, who may be sent away if those who pay him do not like the work he does. His tenure is rather that of the judge who, by the very nature of the task assigned him, is placed beyond control or punishment by those on whom his judgment must be made.

*Atlantic Monthly, January, 1918.*

**PRESIDENT BARROWS.**—Finally, we come to that special freedom to which the term "Academic Freedom" is sometimes confined—freedom of teaching and of thought and utterance associated with it. This is undoubtedly the most crucial point of our inquiry. Is a professor in a university, and above all in a *state* university, to be permitted to express himself without restraint? I am not sure that I represent the unanimous academic view, but as a practical answer I would say "yes, once a man is called to be a professor." The earlier grades of academic advancement are necessarily probationary, but once the professorial status is conferred the scholar cannot thereafter successfully be laid under restraint. The bounds upon this action must be those of his own defining—the consciousness that he is speaking as one in authority—as one appointed to act with such consideration and courtesy as become a gentleman, and that any lapse into utterance that is foolish and uninformed will affect the esteem in which he is held. The bestowal of the rank of professor is conditioned upon maturity of experience, soundness of knowledge, sincerity of character, and these qualities which enter into the considerations leading to the choice for the professorship must be trusted to work out satisfactorily for the man, his teaching and his institution. It is apparent that all academic choices are not equally successful. Some are obviously lamentable. An institution like ours must occasionally suffer from the indiscretion and vulgarity of its members, but experience seems to indicate that a university suffers far less by enduring such conduct with dignity and restraint than it does by coercive or punitive action.

An appointment to a professorship here with us, and I believe the same obtains generally in the most distinguished of our American institutions, is for life. I do not say that disloyalty to country or grossly immoral conduct are not reasons for summary removal, but these considerations apart, a professorial appointment is practically a permanent engagement, and the university which does not

stand for this principle, even in face of irritation and criticism, will in time be punished by a failure to command the interest of distinguished scholars. Doubtless it is the responsibility of the president, as occupying a position in which he is especially open to the effects produced by academic indiscretion, to counsel and to frankly advise, but I think he may not threaten, I think he may not advocate punishment. These last actions are incompatible with the democracy and independence essential to university fellowship.

Our main safeguard is wisdom in selecting the university personnel, and advancing to professorial grade. The man who is known to be penetrated with the academic spirit, to whom pretense and insincerity are detestable, and who is chosen because he is a man of knowledge and of character will never offer real embarrassment to a university which fears not the principle "No Refuge but in Truth."

Having said this, I wish to distinguish a university as a place where those who belong to it have free utterance, from a place where every comer may have freedom of speech. The two ideas are not consistent. The university is not an open forum. Its platforms are not free to the uninstructed or to those without repute. It is not a place where any sort of doctrine may be expounded by any sort of person. There is a public attitude that sometimes questions the right, particularly of a state university, to exclude any from public utterance in university halls. But just as the permanent members of a university are selected with great care, and for reasons of confidence in their knowledge, so those who are invited to speak incidentally or occasionally must be judged with comparable consideration.—Inaugural Address, University of California.

*Bulletin, May, 1920.*

PRESIDENT BURTON.—College supposedly is a place where a man is set free from the usual demands of life in order that he may come into contact with the rarest spirits of all time. In reality it is four years of leisure, of unhurried association with scholars! It is a time when a man finds himself and his friends, develops his sense of value and browses among the best books of all centuries. If this suggests the way the student uses his leisure then we know where he finds his deepest satisfaction and his real world! Frankly, he regards his university work as secondary, if not tertiary, and finds a satisfying outlet for his energy and genius in athletics, dramatics,

journalism, and student government. Perhaps the highest test which American universities will ever be asked to meet lies just in this realm. Is there any method by which a student world can be developed in which the scholar, the thinker and the writer will be just as highly honored as the man who achieves distinction in football? . . . Other nations have succeeded in placing the emphasis properly. The Englishman owes his success in the great war very largely to his genuine sense of sportsmanship. Nevertheless the games and races at the English universities are not primary nor all-absorbing. Intellectual achievement carries off the first honors. The American student's world of reality is the inevitable counterpart of the "academic mind." . . .

Through the rattle and clamor of student activities, back of the endless ratiocinations of academic minds, there shine the abiding realities of true university ideal. Here men know the freedom of the truth. Ancient tyrannies may still oppress the multitudes. New monarchs may arise to enslave men. Others may enjoy great wealth. The university man possesses his mind and soul in self-respect. He will brook no interference with his untrammeled search for truth in all fields. Regardless of the consequences to preconceived notions, prejudices or superstitions, he goes calmly on his way patiently, painstakingly seeking for knowledge. His joy is to banish ignorance. His only fear is error; his deepest satisfaction is truth. He kneels at the shrine of truth. If one desires to understand the depth of this spirit, let him venture to rob the academic man of his freedom. Let one suggest that investigation shall be limited and the professor shall be muzzled if one desires to know how adamant is his devotion to science and how inviolate are his ideals of freedom. No, the university, with all of its shortcomings, stands as the impregnable citadel of truth. It can never be shaken without irreparable injury to society. In this era of industrial turmoil and social unrest, when mankind must cut its way through the twisted materials of a rudely shaken social order, the university, with its open and free search of truth, stands as the bulwark of civilization. The professor may not constantly affirm this solemn reality, but to him it is more inviolate than life itself.

*School and Society*, October 23, 1920.

## EXTRACTS FROM REPORT TO THE ASSOCIATION OF AMERICAN COLLEGES

**ACADEMIC FREEDOM AND ACADEMIC TENURE.**—It is undeniably true that, as President Lowell remarked in his annual report for 1916-1917, the code of professional ethics for teachers has not been thoroughly developed, and is not fully understood either by teachers or trustees. The fact is to be regretted, for it necessarily affects unfavorably the morale of the teachers, the general estimation in which the profession is held, and the friendliness of relations between teachers, administrators, and trustees everywhere. The development of a code such as the other professions possess would serve the interests of teachers and colleges alike, for those interests are at bottom identical. It would undoubtedly prove a difficult and tedious process, but it would be found to be concerned for the most part only with the topics assigned for study in this report.

A very valuable suggestion toward this end, it would seem, is one made by Professor H. W. Tyler in the *Educational Review* for December, 1920. It is that an acceptable standard code of what academic freedom means and what it does not mean should be worked out by collaboration of the parties in interest, and that a standard procedure in cases of dispute over academic tenure should be agreed upon by the same parties. The significant and highly important work already done in the field by the Committee of the American Association of University Professors on Academic Freedom and Academic Tenure would naturally be taken as the initial contribution to such an end. If similar studies might now be made by the various organizations of colleges and universities, considerable progress might be made, through comparison and harmonization of the results, toward the realization of a worthy code of professional ethics for teachers. The present report is offered as a tentative basis for the contribution of the American College Association toward that end.

Meantime, until the greater document is drawn, the primary object of a formulation by this Association is, as far as it may be attained by this means, twofold: first, to secure for competent, judicious teachers in the colleges of the Association the sense of security and the peace of mind which are indispensable to the effi-

cency of their work; second, to insure protection of the colleges against wanton, persistent injury from utterances of the incompetent and injudicious.

It should be clearly recognized, however, that the adoption of a report by this organization cannot have the effect of legislation for the colleges comprised in it. The Association of American Colleges is not a standardizing body. The sum total of immediate result to be anticipated from the proposed adoption of a report is the influence that may be exercised by a plain statement of the beliefs of the Association as a whole upon these all-important topics.

#### *Academic Freedom*

The question of academic freedom is merely a special application of the problem of freedom of speech, the subject of controversy, in one phase or another, as old as the world. Wide as are the varieties of belief upon the main problem, they are certainly no wider than the divergence of views upon the question of the degree to which the college teacher has limited his liberty of utterance by his choice of a profession. . . .

Academic freedom is not a myth, neither is it license unrestrained and irresponsible. What it should be may be stated best in terms of liberty and responsibility. The ideal college atmosphere is one in which, on the one hand, the institution guarantees to all its teachers unrestricted freedom in teaching, investigation, and publication, and in which, on the other hand, competent, judicious scholars exercise their freedom with fitting regard for the welfare and reputation of the institution they serve. Such an atmosphere should be the ultimate aim of every institution of learning; in it every trace of the problem of academic freedom would disappear.

Impediments to immediate and general realization of ideal conditions inhere in the very nature of the parties to the relation. Colleges are hampered in their approach to it by two facts. One is that many, perhaps most, of them owe their origin and present support to constituencies whose convictions on certain controversial topics make it quite impossible for colleges maintained by them to allow complete freedom in the teaching of those topics, even in the privacy of the class room. The other is the immaturity and consequent extreme impressionability of the student body. Topics

and doctrines that are in themselves entirely suitable material for thought and study are in some cases wholly inappropriate for consideration in college, and in others call for the most careful and considerate handling. Exclusion or restriction in such cases results from the necessary exercise of "pedagogic common sense."

The failures of teachers to achieve their side of the ideal of academic freedom are mainly the inevitable outcome of individual lack of perfection. Quite aside from the occasional lapses of judgment to which all are subject, there are two general conditions that bear on this side of the problem. One is that so large a proportion of the teaching staff of most colleges is in the lower ranks of the faculty, and in the nature of the case comes somewhat short of a full measure of competency, either in training or in experience. The other is that prolonged teaching of youth tends, as has not infrequently been pointed out, to beget in teachers a spirit of reckless authority, leading the occasional one who yields to it to utter dicta on all sorts of subjects without sufficient regard either for the facts involved or the effect upon other interests, including even those of his college. These facts, together with the immaturity of the material the teacher works upon, go far to invalidate the parallel often drawn between the position claimed for the college teacher and that of a federal judge, with his freedom from responsibility to the appointing power for his acts and utterances.

The trend of future experience must be in the direction of ever-greater freedom, but outgrowing the hindrances to it must be a matter of much time and effort. Meantime, pending the advance and in anticipation of it, much may be gained from the adoption and general observance of certain definite conventions concerning freedom in the formation and expression of opinion by college teachers. As such temporary conventions the following may be suggested:

(a) The college may not place any restraint upon the teacher's freedom in investigation, unless restriction upon the amount of time devoted to it becomes necessary in order to prevent undue interference with the teaching which is the primary function of the college instructor.

(b) The college may not impose any limitation upon the teacher's freedom in the exposition of his own subject in the class room or in addresses and publications outside the college, except in so far as the general necessity of adapting all instruction to the needs of immature students, or

specific stipulations in advance, fully understood and accepted by both parties, limit the scope and character of instruction. If specific stipulations are made, they should be regarded as necessary concessions to weaknesses in the existing situation, and be dispensed with as soon as circumstances will permit.

(c) No teacher may claim as his right the privilege of discussing in his class room controversial topics outside of his own field of study. The privilege is often exercised, but the support of the college may not be expected in cases where friction arises from the practice.

(d) The college must recognize the teacher's right, in speaking or writing outside of the college upon subjects beyond the scope of his own field of study, to precisely the same freedom and the same responsibility as attach to all other persons, subject only to the necessity of protecting the good name and the welfare of the college against serious injury. The teacher in all speaking and writing of this character should be scrupulous in making it clear that his institution has no responsibility for the views expressed by him.

All such conventions are but makeshifts, however, and must be outgrown. Yet even while they hold sway, until the hoped-for advance to an atmosphere of universal trust, forbearance and goodwill on both sides, every effort should be made by institutions and teachers to work in the spirit of the better time to come. Colleges should, while guarding as they must the fair fame and all vital interests of the institution, grant the largest possible measure of freedom of utterance, and teachers should, while holding with all fidelity to their highest ideals in the pursuit and dissemination of truth, give due consideration also to the limitations inevitably imposed upon them by the nature and situation of the institution they serve. With such a spirit dominant in both parties, the few cases of controversy now arising over academic freedom will become fewer still.

#### *Academic Tenure*

Controversies over academic freedom almost invariably and inevitably develop into problems of tenure. Not more than a small part, however, probably less than one-third, of all conflicts over academic tenure grow out of abuses, real or supposed, of academic freedom. A formulation of principles, policies and methods of pro-

cedure in regard to academic tenure is consequently even more important than one in regard to academic freedom.

The objects aimed at in the formulation of principles here are substantially the same as in the one relating to academic freedom, namely, the peace of mind of the teacher and the protection of all vital interests of the college. Both are of the utmost importance, but it can hardly be over-emphasized that conditions of tenure are destined henceforth to have much to do with the possibility of recruiting vigorous, truth-loving and truth-seeking men and women for the teaching profession. Security of tenure must make amends in some degree for sacrifices at other points, if the colleges are not to be limited to inferior material for their teaching staff.

The general principle of academic tenure should be that the security of a teacher's position, after a suitable period of probation has been passed, is to be considered as beyond question. Two exceptions only may be made to the rule. If a teacher should be found unworthy of his position for some grave cause, such as personal immorality, disloyalty to the country, professional incompetence, or gross neglect of duty, no rules of tenure should erect a barrier to his dismissal, provided the facts be admitted by the accused teacher or be established under suitable procedure. And if the college should find itself, by reason of financial straits, under a genuine necessity of reducing the cost of its teaching staff, or, because of lack of demand at some point, obliged to cut down a departmental staff, customary restraints of tenure would necessarily yield to economic pressure.

Care in the choice and testing of teachers is of fundamental importance. It is not difficult, as a rule, to determine the professional competence of a candidate for the position that is to be filled, but it is practically impossible to make sure in advance that the candidate and the college will fit each other temperamentally. From this fact arises the need of a sufficient period of probation, during which both college and candidate may be tired out with reference to their mutual fitness for a permanent relation. When probation gives way to recognized permanency of greater or less degree, the trust reposed in the teacher should be complete, capable of being broken only by evidence that would stand examination anywhere.

Methods of appointment, probation, reappointment, termination of appointment, and dismissal, are therefore obviously of prime

importance in connection with the subject of tenure. The following recommendations are offered in regard to them:

(a) First appointments should as a rule be temporary and be followed by renewals or short-term appointments until the competence of the appointee and the mutual compatibility of the college and the appointee are fully established. Thereafter a greater security of tenure, especially in the higher ranks, should be indicated by characterization of the appointment as permanent, indefinite, without term, or for some extended term with presumption of renewal at its expiration. All appointments should be made in conference with the department concerned, and might well be subject to approval by a faculty or council committee, or even by the faculty or council itself. The precise terms and expectations of every appointment should be stated in writing and be in the possession of both college and teacher.

(b) Termination of a temporary or a short-term appointment should always be possible at the expiration of the term by the mere act of giving timely notice of the desire to terminate. The decision to terminate should always be taken, however, in conference with the department concerned, and might well be subject to approval by a faculty or council committee or by the faculty or council. Notice of the decision to terminate should be given in ample time to allow the teacher an opportunity to secure a new position. The extreme limit for such notice should not be less than three months before the expiration of the academic year. The teacher who proposes to withdraw either before or at the end of a term should give equal notice.

(c) Termination of a permanent, indefinite, or long-term appointment for cause should regularly require action by both a faculty committee and the governing board of the college. Exception to this rule may be necessary in cases of gross immorality or of disloyalty to the country, when the facts are admitted. In such cases summary dismissal would naturally ensue. In cases where other offenses are charged, and in all cases where the facts are in dispute, the accused teacher should always have the opportunity to be heard in his own defense by all bodies that pass judgment upon the case. In the trial of charges of professional incompetence, the testimony of scholars in the same field, either from his own or from other institutions, should always be taken. Dismissal for other reasons than immorality, treason, or gross neglect of duty should not ordinarily take

effect in less than a year from the time that the decision is reached.

(d) Termination of permanent or long-term appointments because of financial exigencies should be sought only as a last resort, after every effort has been made to meet the need in other ways and to find other suitable employment in the institution for the teacher concerned. Situations which make drastic retrenchment of this sort necessary should ordinarily preclude expansions of the staff at other points at the same time.

*Report of the Commission on Academic Freedom and Academic Tenure, 1922.*

## LIST OF REPORTS BY INVESTIGATING COMMITTEES

### 1. July, 1915, University of Utah.

*Committee:* John Dewey, Columbia; F. A. Fetter, Princeton; J. P. Lichtenberger, Pennsylvania; A. O. Lovejoy, Johns Hopkins; Roscoe Pound, Harvard; E. R. A. Seligman, *Chairman*, Columbia; H. C. Warren, Princeton.

### 2. April, 1916, University of Colorado.

*Committee:* C. E. Bennett, Cornell; J. Q. Dealey, Brown; R. T. Ely, Wisconsin; H. W. Farnam, Yale; F. A. Fetter, Princeton; F. H. Giddings, Columbia; C. A. Kofoid, California; A. O. Lovejoy, Johns Hopkins; F. W. Padelford, Washington (Seattle); Roscoe Pound, Harvard; E. R. A. Seligman, *Chairman*, Columbia; H. C. Warren, Princeton; U. G. Weatherly, Indiana.

### 3. April, 1916, Wesleyan University.

*Committee*, E. R. A. Seligman.

### 4. May, 1916, University of Pennsylvania.

*Committee:* D. R. Dewey, Mass. Inst. Tech.; H. W. Farnam, Yale; F. H. Giddings, Columbia; A. O. Lovejoy, *Chairman*, Johns Hopkins; Roscoe Pound, Harvard.

### 5. May, 1917, University of Montana.

*Committee:* C. A. Kofoid, *Chairman*, California; A. O. Lovejoy, Johns Hopkins; G. H. Marx, Stanford; F. M. Padelford, Washington (Seattle).

### 6. April, 1917, University of Washington.

*Committee:* W. D. Briggs, Stanford; O. K. McMurray, California; H. B. Torrey, *Chairman*, Oregon.

### 7. May, 1917, University of Montana.

*Committee:* C. A. Kofoid, *Chairman*, California; A. O. Lovejoy, Johns Hopkins; G. H. Marx, Stanford; F. M. Padelford, Washington (Seattle).

8. May, 1917, College of Wooster.  
*Committee:* H. A. Aikins, *Chairman*, Western Reserve; J. E. Hagerty, Ohio State; W. H. Hobbs, Michigan; A. S. Hershey, Indiana; A. W. Moore, Chicago.
9. December, 1917, Allegheny College.  
*Committee:* B. P. Bourland, Western Reserve; Nevin Fenneman, *Chairman*, Cincinnati; J. A. Leighton, Ohio State; M. A. Rosanoff, Pittsburgh.
10. February-March, 1918, Academic Freedom in War Time, Columbia University.  
*Committee:* Edward Capps, Princeton; A. O. Lovejoy, *Chairman*, Johns Hopkins; A. A. Young, Cornell.
11. May, 1919, Bethany College.  
*Committee:* W. M. Forrest, *Chairman*, Virginia; G. D. Hancock, Washington and Lee.
12. May, 1919, University of Montana.  
*Committee:* F. S. Deibler, Northwestern.
13. November-December, 1919, Colorado College.  
*Committee:* F. S. Deibler, Northwestern; E. H. Hollands, *Chairman*, Kansas; George Lefevre, Missouri; J. L. Lowes, Harvard; H. A. Miller, Oberlin.
14. May, 1920, Colorado School of Mines.  
*Committee:* J. M. Coulter, Chicago; H. O. Hofman, Mass. Inst. Tech.; M. F. Libby, *Chairman*, Colorado; A. A. Potter, Kansas State.
15. January-February, 1921, Washburn College.  
*Committee:* Grace Van S. Baur, Colorado; R. G. Gettell, Amherst; A. O. Lovejoy, *Chairman*, Johns Hopkins; E. J. Swift, Washington (St. Louis); U. G. Weatherly, Indiana.
16. May, 1921, Middlebury College.  
*Committee:* M. J. Elrod; Montana; Tenney Frank, *Chairman*, Johns Hopkins; James Goldthwait, Dartmouth; G. G. Groat, Vermont; J. S. Reeves, Michigan.
17. January, 1922, Washington and Jefferson College.  
*Committee:* D. B. Easter, Washington and Lee; George Howe,

North Carolina; I. F. Lewis, *Chairman*, Virginia; U. G. Weatherly, Indiana.

18. May, 1922, University of Missouri.

*Committee:* H. G. James, *Chairman*, Texas; F. E. Kester, Kansas; J. P. Lichtenberger, Pennsylvania; W. A. Oldfather, Illinois; H. S. White, Vassar.

## PRESENT AND FORMER MEMBERS OF COMMITTEE A

- 1916, *Chairman*, Edwin R. A. Seligman, Columbia; C. E. Bennett, Cornell; J. Q. Dealey, Brown; R. T. Ely, Wisconsin; H. W. Farnam, Yale; F. A. Fetter, Princeton; F. H. Giddings, Columbia; C. A. Kofoid, California; A. O. Lovejoy, Johns Hopkins; F. W. Padelford, Washington (Seattle); Roscoe Pound, Harvard; H. C. Warren, Princeton; U. G. Weatherly, Indiana.
- 1916, *Chairman*, A. A. Young, Cornell; C. E. Bennett, Cornell; W. B. Cannon, Harvard; R. T. Ely, Wisconsin; F. A. Fetter, Princeton; F. H. Hodder, Kansas; George Lefevre, Missouri; J. P. Lichtenberger, Pennsylvania; F. R. Lillie, Chicago; A. O. Lovejoy, Johns Hopkins; D. O. McGovney, Missouri; F. M. Padelford, Washington (Seattle); G. M. Stratton, California; U. G. Weatherly, Indiana.
- 1917, same as above.
- 1918, same as above.
- 1919, same as above with F. R. Lillie, Chicago, *Acting Chairman*.
- 1920, *Chairman*, F. S. Deibler, Northwestern; C. M. Andrews, Yale; H. M. Bates, Michigan; R. T. Ely, Wisconsin; F. A. Fetter, Princeton; F. H. Hodder, Kansas; George Lefevre, Missouri; J. P. Lichtenberger, Pennsylvania; F. R. Lillie, Chicago; A. O. Lovejoy, Johns Hopkins; D. O. McGovney, Iowa; F. M. Padelford, Washington (Seattle); G. L. Roberts, Purdue; U. G. Weatherly, Indiana; A. L. Wheeler, Bryn Mawr.
- 1921, same as 1920.
- 1922, Dean H. M. Bates, *Chairman*, F. S. Deibler, member; the remainder of the committee as in 1920.

## NOMINATIONS FOR MEMBERSHIP

The following fifty-four nominations are printed as provided under Article IV of the Constitution. Objection to any nominee may be addressed to the Secretary, H. W. Tyler, Cambridge, Mass., or to the Chairman of the Committee on Admissions<sup>1</sup> and will be considered by the Committee if received before February 1, 1923.

The Committee on Admissions consists of Florence Bascom (Bryn Mawr),<sup>2</sup> *Chairman*, J. Q. Dealey (Brown), A. R. Hohlfeld (Wisconsin), A. L. Keith (South Dakota), G. H. Marx (Stanford), and F. C. Woodward (Chicago).

- F. O. Anderegg (Chemistry), Purdue  
Wayne J. Atwell (Anatomy), Buffalo  
Albert Stephens Borgman (English), New York University  
G. R. Bradshaw (Physics), Thiel  
Thomas W. Bussom (Romance Languages), Wesleyan  
Wm. R. Camp (Agriculture), California  
William G. Chanter (Ethics and Religion), Wesleyan  
Charles E. Chapman (History), California  
Alfred Thurston Child (Chemistry), Rose Polytechnic  
Frederic C. Church (History), Idaho  
Robert G. Cleland (History), Occidental  
Frank H. Clutz (Civil Engineering), Gettysburg  
Chas. A. Corcoran (Physics), City of New York  
Alva R. Davis (Agriculture), California  
Walter H. Dore (Agriculture), California  
W. L. Estabrooke (Chemistry), City of New York  
C. O. Fisher (Economics), Wesleyan  
Errol L. Fox (Chemistry), Rose Polytechnic  
Stanley B. Freeborn (Agriculture), California  
Ray C. Friesner (Botany), Butler  
N. L. Gardner (Botany), California  
Hubert B. Goodrich (Biology), Wesleyan  
Harry C. Gossard (Mathematics), Wyoming

<sup>1</sup> Nominations should in all cases be presented through the Secretary, H. W. Tyler, 222 Charles River Road, Cambridge, Mass.

<sup>2</sup> Present address: U. S. Geological Survey, Washington, D. C.

- Binney Gunnison (Public Speaking), Wesleyan  
Louis D. Hartson (Psychology and Education), Grinnell  
P. L. Hibbard (Agriculture), California  
G. Albert Hill (Chemistry), Wesleyan  
Oscar A. Kinchen (History and Political Science), Butler  
E. C. Knowlton (English), Ohio Wesleyan  
K. F. R. Hochdoerfer (Romance Languages), Colorado  
Hans Kurath (German), Northwestern  
James Lawrence Lardner (Public Speaking), Northwestern  
Ernest Lauer (History), Northwestern  
Emory B. Lease (Classical), City of New York  
Robert D. Leigh (Government), Williams  
Robert Maurice Mathews (Mathematics), Wesleyan  
Hugh Miller (Civil Engineering), George Washington  
Alice Mary Mower (German), Wittenberg  
James M. O'Gorman (Education), Idaho  
Samuel Grant Oliphant (Greek), Grove City  
F. R. Ormes (Economics), Wabash  
Franklin C. Palm (History), California  
Chas. E. Persons (Economics), Boston University  
Herbert I. Priestley (History), California  
E. Raymond Riegel (Chemistry), Buffalo  
William James Ryland (Political Science), Hamline  
Robert Shafer (English), Wells  
Robert F. Smith (Mathematics), City of New York  
Harold A. Thomas (Civil Engineering), Rose Polytechnic  
Holland Thompson (History), City of New York  
Alice Bidwell Wesenberg (English), Butler  
T. Griffith Wesenberg (Romance Languages), Butler  
K. M. Williamson (Economics), Wesleyan  
Henry M. Wriston (History), Wesleyan